



SEA ORDINANCE DRAFT 3

COMMENT MATRIX

This comment matrix is in response to the open comment period held from December 2012 to April 2013 in for the third draft of the SEA Ordinance (Draft 3). The comment responses also explain if the submitted comments have been included in Draft 4 of the SEA Ordinance. Both Draft 4 and Draft 3 are available online at: <http://planning.lacounty.gov/sea/ordinance>. Letters on Draft 3 were received from the following agencies, individuals and associations:

- Aera Energy
- BIA
- CA Department of Fish & Wildlife
- City of Brea
- Conservation Biology Institute
- Cook Hill Properties
- County DPW
- County of LA Fire Department
- County of LA Sanitation Department
- FKao and GHu
- Friends Antelope Valley Open Space-CCWAV
- Grassroots Coalition & The Ballona Ecosystem Education Project
- JDillard
- LA County Farm Bureau
- LA County Sheriff -
- LA Group Design Works
- LA River Project Office
- Land Veritas
- Los Angeles Area Chamber of Commerce
- LPurcell
- MDavidheiser
- National Park Service
- Poppy Reserve-Mojave Desert Interpretive Association
- Puente Hills Habitat Preservation Authority -
- Public Health -
- San Gabriel Mountains Chapter California Native Plant Society
- Santa Monica Mountains Conservancy
- Sierra Club Angeles Chapter
- SoCal Gas
- Tejon Ranch Company
- Urban Arena
- VICA

Further questions on this document may be addressed to the Community Studies North Section of the Los Angeles County Department of Regional Planning. Contact Emma Howard at 213-974-6476 Monday- Thursday 8:30 am- 5:30 pm, or email ehoward@planning.lacounty.gov.

Draft 4 of the SEA Ordinance will have a 60 day comment review period, closing on February 3, 2014.

December 5, 2013



#	Section	Author	Comment	Response to Draft 3
1	Ordinance, General	Aera Energy	The specifics of the Draft Ordinance, which appears to be predicated on the assumption that virtually every undeveloped acre within the SEA could be critical to sustaining biological diversity within the County, irrespective of whether any specific biologically important resources exist at a particular location. The studies being relied on by the County are not sufficient to support the conclusion that any disturbance within this vast area will make "biological diversity" unsustainable throughout the area.	Drafts of the SEA Ordinance (Draft 3 and Draft 4) rely on principles outlined in the 2000 LA County SEA Update Study and relate outward to achieve consistency with the goals and policies in the Draft County General Plan. The proposed SEA Boundaries do not focus on a single resource or habitat. Instead the proposed SEAs and Coastal Resource Areas form linkage systems which are intended to achieve the overarching goal of preserving biological diversity in Los Angeles County. In order to achieve this goal, individual locations within the SEA will require assessment as they are developed to ensure that they do not create a critical impact to the biological diversity represented by their respective SEA, or compromise the linkage system. In that regard each new development does represent a potential critical impact to each SEA. However, the ordinance does not assume that each new development will actually result in a critical impact the SEA can support a certain and unknown quantity of development, and the SEA Ordinance has been drafted with the intent of creating a framework that identifies what triggers unsustainable development, in order to permit those developments which do not compromise the SEA's sustainability.
2	Ordinance, General	Aera Energy	A third concern with the Draft Ordinance is its refusal to allow for the concept of mitigation of potential impacts. Unlike CEQA, the Draft Ordinance does not provide a process for balancing impacts and mitigations to reduce impacts of "less than significant." Instead, it specifies mandatory denial of projects that remove "characteristic habitat" regardless of whether the removal (1) resulted in a significant impact to begin with, let alone whether (2) the impact could be mitigated.	Impacts mitigation is usually determined through the associated CEQA documents accompanying an SEA permit. When a mitigations is created for a Mitigated Negative Determination or an Environmental Impacts Report, the development must conduct the mitigation to alleviate the impact. This is a standard procedure for all conditional use permits granted through the County's Land Use review, and is not SEA Ordinance specific. Nothing in the SEA ordinance precludes mitigation. The findings listed in Draft 3 and 4 are those impacts which intrinsically would not be able to be mitigated, because if said impacts were mitigated through the project design or procedures outlined in the CEQA documents then the project would be found consistent.
3	Ordinance, General	BIA	The ordinance's sweeping scope applies a one-size-fits-all approach where every inch of land is considered equally sensitive, equally irreplaceable and subject to extensive conservation, unlike state and federal critical habitat programs that clearly delineate and prioritize resources, freeing up unencumbered land for development.	The SEA ordinance does not consider all areas of the SEA to be equally valuable or irreplaceable. This is clearly stated in the purpose of both Draft 3 and 4. In so doing we anticipate that areas of the SEAs will continue to be developed over time, using our process which guides an applicant with site sensitive design and gives clear criteria for project denial, outlining those impacts which would compromise the SEA's function and which cannot be mitigated. The SEA Ordinance is designed to provide a variety of procedures that would apply to the differing types of land developments in the SEAs. The permit process triggers higher regulations for developments with impacts or scopes that have the potential to compromise the sustainability of the SEA.
4	Ordinance, General	BIA	the Draft Ordinance contains no provisions by which a property owner can contest his or her property's inclusion in the SEA, even in the case of a clear mistake on the part of the County.	The SEA ordinance will not include a provision for contesting SEA boundaries. However the public process for the SEA Program update is an opportunity to discuss the boundaries of the proposed SEAs. If you feel that your parcel has been incorrectly designated, please contact us. Additionally, areas currently in use are added to our SEA Development Map and subject to very limited provisions of the SEA ordinance. If your parcel is in use for structures, agriculture or other active uses please check on our GIS Net-3 web application (http://planning.lacounty.gov/gisnet3) to see if it's included on the SEA Development Map, then contact us to be added to a list requesting modifications.
5	Ordinance, General	BIA	These regulatory excesses place the burden on a landowner to disprove the lengthy and unfounded assumptions underlying the SEA expansion and ordinance, and set the bar for changing those assumptions at an unattainable level. It is unreasonable and unfair to establish a process that forces landowners to prove a negative	The SEA ordinance has always required a landowner establish what resources are located on their property. This is very similar in method to how we do planning for many types of areas- a landowner would be required to survey for steep slopes in hillside management areas, or assess the location of streams on the property in flood zones. The assumptions made about the biological value of undisturbed natural land are not unfounded- the DRP has provided publicly available studies that outline the basis of our reasoning and the research that has been conducted for more than 13 years as to the biological value of the proposed SEAs.

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6	Ordinance, General	City of Brea	"Our review of your draft ordinance suggests you are considering some standards with a more flexible approach as compared to our jurisdiction"...[see full comment in word doc]... "We too realize the value in some flexibility within development codes, but would urge the County to consider a higher level of specificity within critical development standards in order assure the future implementation of your vision for these sensitive lands."	Unsure what kind of specifics this comment refers to.
7	Ordinance, General	City of Los Angeles Department of Water and Power	Because this vigorous environmental process meets the goals of the proposed SEA Ordinance, an exemption for the installation, operation, and maintenance of utility infrastructure should be included in the final Ordinance language	Draft 4 of the SEA ordinance exempts development projects by utility companies regulated by the CA Public Utilities Commission. More discussion should be had about the regulatory impacts on properties within LA County maintained by other local government. Outreach will be conducted with sister agencies and other local governmental departments to discuss these issues, and the City DWP will be included in these discussions.
8	Ordinance, General	County of Los Angeles Department of Public Works:	Further discussion with Department of Regional Planning staff will be necessary to clarify how Conditional Use Permits (CUP) that is for the continued operation of a facility will be handled in respect to this Ordinance. Specifically, the Calabasas and Sunshine Canyon landfill sites, which are both active landfill sites, were originally entitled under a CUP and therefore, it is our understanding that these sites would be exempt from the requirements of this Ordinance per Section 22.52.2620, Subsection D. It is not clear, how these sites and the associated landfill activities (lining, flattening/stabilizing, hillside slopes, construction of temporary access roads, filing a footprint with solid waste, etc.) within the site would be handled once the current CUP expires. These sites are essential to meeting the solid waste disposal needs of the 88 cities in the County of Los Angeles and the unincorporated County communities in order to protect public health and safety. Therefore, it is essential that this issue be vetted through prior to adoption of the ordinance	There will be a County process for County agencies. County Agencies will not go through a permitting process with the Department of Regional Planning, but there will be an official consultation period for major projects within SEAs. Please see "22.52.2955 County Development Review Procedures" in Draft 4 of the SEA ordinance or "22.52.2680 County Project Review" of Draft 3 for an outline of the process, and see the previous comment (#7) for more information about our outreach.
9	Ordinance, General	County of Los Angeles Department of Public Works:	It is recommended that composting facilities be required to obtain a CUP, and/or a SEA-CUP, when located wholly or partially within a SEA or Ecological Transition Area. It is understood that composting facilities are currently considered "agricultural use," which is permitted by the Specific Plan and, accordingly, do not require a CUP. Composting facilities, however, are anticipated to serve a more widespread and greater role within the solid waste management industry as local landfill capacities diminish and State regulations move toward heightened efforts for materials reuse and recycling. CUP conditions for composting facilities could provide mechanisms by which to further protect public health and safety as well as the environment.	New private development, including agricultural uses would require an SEA CUP, unless that use is listed in permitted uses or exempted uses or is conducted within a Developed Area. Composting facilities are not listed in either permitted or exempted uses, so they would require an SEA CUP on land not within the Developed Areas. No specific standard conditions for composting facilities in SEAs are being considered at this time, but we would welcome suggestions and will add this specific issue to our discussion with your agency for follow up.
10	Ordinance, General	County of Los Angeles Fire Department	Any proposed development must comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows and fire hydrants.	Agreed. Safety is an important concern and we address that in the way the ordinance is written. See exemptions- hazard management activities. Installation of facilities by county agencies will be handled by a different process than the majority of the ordinance. Please see "22.52.2955 County Development Review Procedures" in Draft 4 of the SEA ordinance or "22.52.2680 County Project Review" of Draft 3 for an outline of the process.
11	Ordinance, General	County of Los Angeles Fire Department	Any development located within the area described by the Forester and Fire Warden as Very High Fire Hazard Severity Zone (VHFHSZ) must comply with all applicable code and ordinance requirements for brush clearance and fuel modification plan.	This ordinance is not intended to compromise any safety regulations required by any other department, which includes brush clearance. We would like to discuss further the ways that LAC FD deals with brush clearance in environmentally sensitive areas in order that the aims of both departments are understood and the process is made clear to applicants. We will add this issue to our agenda for follow-up
12	Ordinance, General	County of Los Angeles Fire Department	Specific fire and life safety requirements for future development based on the SEA ordinance will be addressed when the design plans for the project are submitted to the Fire Department for review and approval.	see above response (#11) to the Fire Dept

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13	Ordinance, General	County of Los Angeles Sherriff's	The proposed Ordinance is not expected to significantly impact the Department's operations or resources. However, to the extent possible, emergency access for Department personnel, vehicles, and equipment must be maintained through SEAs in order to protect public health, safety, and welfare.	see above response (#11) to the Fire Dept
14	Ordinance, General	Friends of Antelope Valley Open Space	Finally, we have concerns regarding utility-scale renewable energy projects in and near SEAs, and would like to see RE projects excluded from SEAs, and require SEATAC review of all RE projects, that, even though they may not be directly in or adjacent to an SEA, would have far reaching effects on habitats and wildlife therein, via air borne particulate matter, watercourse drainage, roads, structures, equipment, and activities related to daily operations.	Renewable energy use is being addressed in an ordinance update of its own, as this kind of energy creation is not a use explicitly recognized in our code, the DRP is aware that we need to have new standards overall. The DRP staff who work on SEAs are working closely with the folks on the Renewable Energy Ordinance project to ensure that the two ordinances work well together and that SEAs are recognized as having significant resources that need protection.
15	Ordinance, General	LPurcell	I am concerned about certain exemptions of projects outside a SEA. Even such projects could have effects on habitat and wildlife within the SEA—for example, use of rodenticides, herbicides and pesticides. There is reference to such detrimental use on page 58, so that native mice did not distribute spores necessary to seedlings and saplings in a managed forest. Policies on such use must be protective of the SEAs and wildlife. Use of such toxic substances should be precluded in and around SEAs.	The DRP does not regulate the use of pesticides. The SEAs would benefit from careful regulations of pesticides, however that regulation is outside our jurisdiction and is accomplished by other agencies, including the County Agricultural Commissioner and the Environmental Protection Agency.
16	Ordinance, General	LPurcell	The Draft states that buffer zones are not needed. However, they may be needed to protect from such toxic or secondary effects as described above.	The current SEA Ordinance has a minor "buffering" effect by having regulations affect an entire parcel if any portion is in an SEA. However the majority of the proposed SEAs will be expanded in size and should be sufficiently large enough to act as their own buffer, which is why both Draft 4 and Draft 3 do not include any regulations for development outside of the SEA boundaries. The SEA Ordinance has certain limitations of scope and influence in the face of certain environmental issues that are larger in scale. Large regional and national issues like pollution sources, or water quality are regulated by other agencies that are given that authority and ability. For instance, pesticides, which need to be regulated at the point of sale are regulated by the EPA and in the County by the County Agricultural Commissioner. Where possible the SEA Program and the DRP will work with other agencies and actors in regards to larger environmental issues, but the SEA ordinance itself is contained and will be contained to the more direct impacts within the purview of land use planning and the SEA boundaries themselves.
17	Ordinance, General	LPurcell	Is there a difference in areas under city or county jurisdiction? This is not clear to the lay person.	Yes. County areas are those areas which are not incorporated into cities. Incorporated cities must create their own municipal code and provide their own local government service. For SEAs this means any portion of an SEA in an incorporated city will not be regulated by the County Zoning Code and the provisions of the SEA ordinance will not apply.
18	Ordinance, General	M.Davidheiser	It appears that if you own a large, mostly undeveloped parcel of rural land in an SEA district, you will probably need an SEA CUP for almost any new projects. The expenses involved in the application process are more than most people could afford, and the reviews and hearings would put a heavy workload on the Dept. of Regional Planning. There should be a simpler and less expensive use permit for low-impact activities.	New projects in SEAs currently require an SEA CUP with the exception of 1 single family home and accessory use per parcel. Both Draft 4 and Draft 3 of the SEA ordinance increase the number of SEA CUP exemptions as compared to the currently adopted ordinance. Draft 4 and Draft 3 also offer a less intensive and expensive version of the existing SEA CUP.

#	Section	Author	Comment	Response to Draft 3
19	Ordinance, General	Poppy Reserve/Mojave Desert Interpretive Association	<p>Ms. Zahnter recommends that all Industrial-scale renewable energy projects require SEATAC review. The extreme ground disturbance that results from the scraping and leveling of desert grasslands for industrial-solar installation has resulted in clouds of dust enveloping our neighborhoods and playgrounds. These dirt clouds coat habitat on adjacent lands, blind drivers on our desert roads and expose residents to health threats from inhaled particulates and the spores of valley fever.</p> <p>Even when an EIR is required, grassroots organizations like ours do not have the resources to hire our own experts to adequately comment on the assertions made in those documents. It is logical and imperative then that these massive industrial energy developments, consuming land at a rapid pace and with such far reaching, long term and unprecedented cumulative effects, be subjected to the type of careful consideration that will only be afforded by the opportunity for SEATAC to review and comment.</p>	See above comment (#14) regarding the renewable energy ordinance.
20	Ordinance, General	Southern California Gas Company (SoCalGas)	<p>The proposed SEA Ordinance would impose conditional use permit requirements on development, including the operation and maintenance of existing utility infrastructure, in any area where potential ground disturbance would occur within the proposed SEA. As currently drafted, utility activities would not be exempt from the proposed requirement unless deemed necessary for fire and hazard safety. The proposed ordinance imposes conditions that are not feasible for utility company activities. Specifically, the prohibition of materials (e.g. barbed wire) that are used to prevent unauthorized entry into private property, and the proposed designated setbacks from protected resources. Security and safety are a major concern for SoCalGas; therefore, the use of barbed wire is necessary to protect unauthorized access to company infrastructure and to protect the public from entering into potentially unsafe areas. Some of the designated setbacks will impeded the location of utility infrastructure alignments along the safest corridor.</p>	The proposed ordinance Draft 4 and the prior version, Draft 3, exempt any legally permitted development permitted before the ordinance goes into effect. These ordinances also provide simpler permitting for areas in use as structures and accessory areas to structures on the SEA Development Map, which can be seen on the County's GIS Net 3 web mapping application. We anticipate that these provisions will already exempt the majority of SoCalGas's ongoing operations. However we understand your point about your safety requirements that supersede or conflict with the provisions of our ordinance. Language in Draft 4 states that the standard conditions for an SEA CUP may be modified if the modifications are necessary to satisfy other regulations at the County, State or Federal level. We would like to follow up with you regarding these issues and will put clarifying language in the code to address facilities which are required to meet other standards by other governmental regulations.
21	Ordinance, General	Southern California Gas Company (SoCalGas)	<p>Comment #1: SoCalGas requests that an exemption from a Conditional Use Permit be included within section 22.52.2620(H). The exemption should allow for the continued maintenance and operations of natural gas pipeline facilities within the significant ecological areas. Specifically, the U.S. Department of Transportation requires us to have areas near our facilities and pipelines to be clear of vegetation and obstructions.</p> <p>Comment #2: SoCalGas requests that an exemption from a Conditional Use Permit be included within section 22.52.2620(H) for necessary infrastructure installation or replacement of a natural gas pipeline and/or appurtenant facilities for an approved development.</p> <p>Comment #3: SoCalGas requests that an exemption from a Conditional Use Permit be included within section 22.52.2620(H) for the replacements and upgrades of existing utility infrastructure required to comply with pipeline integrity and safety requirements, to meet increased demand, or to ensure system reliability.</p>	See previous comment (#20) directly above.
22	Ordinance, General	Tejon Ranch Company	Changes to the SEA Ordinance would thwart reasonable development not just at the Centennial site, but throughout much of the Antelope Valley and unincorporated Los Angeles County. Over 1,000 square miles of LA County would be permanently excluded as future housing and employment centers.	The SEA Ordinance does not preclude development. It does add additional regulations intended to address impacts to the county's cumulative biodiversity. In our research we have found that very few SEA CUPs have been denied at public hearing, and therefore we cannot agree with the claim that an SEA designation excludes that land from the development of future housing or employment.

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23	Ordinance, General	Tejon Ranch Company	In short, the draft Ordinance creates a new abyss of uncertainty-uncertain new study and reporting requirements, uncertain scheduling and processing requirements-that is layered onto the already lengthy and costly study process required by CEQA.	The current ordinance is 31 years old and does not align with the best practices of other cities in regulating sensitive environmental areas. It also does not provide a certain process for any of our applicants or staff, as the code language is less specific as to what is compatible within SEAs. The intent of the Department in updating the ordinance is to create more certainty in establishing which uses truly cannot be allowed in SEAs without compromising the sustainability of those areas, and solving some of the costs and uncertainty that are currently the result of the provisions in the current ordinance. Draft 3 of this ordinance created several levels of permitting which are less intensive than currently required for a SEA CUP, created a new and expanded level of uses permitted by right or exempted from the ordinance, and did not create any levels of permitting which are more intensive than the current SEA CUP. Draft 4 retains all of those features.
24	Ordinance Dept Of Fish and Wildlife	California Department of Fish and Wildlife	Replace California Department of Fish and Game with California Department of Fish and Wildlife where referenced throughout the document.	Agreed, this name change is reflected in Draft 4.
25	Ordinance Dept of Fish and Wildlife	County of Los Angeles Department of Public Works:	As of January 2013, the State Agency changed its name from the California Department of Fish and Game to the California Department of Fish and Wildlife and, therefore, the Third Draft SEA Ordinance shall be updated accordingly. The following sections have been identified as needing an update as noted above: Section 22.52.2640, Development Standards, Subsection D, Construction, Item 2, page 9 of 29; Section 22.52.2650, Permitted Uses, Subsection B, Site Plan Review, Item 2, page 14 of 29; Section 22.52.2670, SEA Conditional Use Permit Review, Subsection 22.52.2670.0, SEA CUP Criteria, Item 1c, Significant	Agreed, this name change is reflected in Draft 4.
26	Ordinance Duplicative Regulations	Cook Hill Properties	The SEA ordinance and SEATAC as an advisory body should not unnecessarily complicate and duplicate regulatory processes of other state and federal agencies such as California Department of Fish and Wildlife, the US Army Corps of Engineers, US Fish and Wildlife Service or the Regional Water Quality Control Baal-ds. The proposed Draft Ordinance dramatically expands the scope of issues and topics addressed by the current SEA Program, without regard to other regulatory programs that may exist, As a result, many elements of the proposal are fundamentally duplicative of and more importantly, in some cases conflict with the regulations of other resource agencies.	The SEA Ordinance is not a duplication of state or federal regulations. Our scope and mission are different from that of both agencies in that we seek to preserve local biodiversity. In the case of the County, our agency may be tasked with protecting a species which is common in the state, but rare in our own county. Our mission often aligns with and reinforces the work of state and federal agencies, but the previous example illustrates how it is not an exact overlap. Additionally, land use regulation is a local state power, one maintained only by local governments. Therefore our permitting process is the main means by which the location and scope of development is determined, and is crucial to supporting the work of state and federal agencies tasked with preserving habitats and species.
27	Ordinance Duplicative Regulations	BIA	The Draft Ordinance also dramatically expands the scope of issues and , topics addressed by the SEA Program, without regard to other regulatory programs that may exist. As result, many elements of the proposal are fundamentally duplicative of and in some cases conflict with the regulations of natural resource agencies. This will create redundancy and complications for individual projects.	See above comment (#26) to Cook Hill Properties.
28	Ordinance Duplicative Regulations	BIA	The Draft Ordinance duplicates other regulatory processes in other ways. It is unnecessary for the County to duplicate these regulatory processes, especially as they are ultimately reviewed through the County's land use and CEQA approvals. It is certainly inappropriate for an advisory body such as SEATAC to duplicate, let alone override or contradict such a regulatory process. For example, the Draft Ordinance proposes to regulate watercourses and pollutant loading, without coordination or recognition of Clean Water Act regulations that development projects must follow. It prohibits the use of over 600 plant species, five (5) times more than California Invasive Plant Council's list of invasive plants.	See above comment (#26) to Cook Hill Properties regarding duplications. In regards to regulations for plants and water bodies- local ordinance are allowed to be more restrictive than state and federal regulations when they seek to address specific impacts occurring at the local land use level.

#	Section	Author	Comment	Response to Draft 3
29	Ordinance Duplicative Regulations	VICA	is concerned about certain aspects of the SEA draft ordinance released in December 2012, particularly duplicative review and the substantial expansion of designated areas....The California Department of Fish & Wildlife, U.S. Fish & Wildlife Service, Army Corps of Engineers, and the Los Angeles County Forest Service already have jurisdiction to review projects. Projects are also subject to the California Environmental Quality Act and the Endangered Species Act, which allow for scrutiny by local governing bodies and require public hearing processes for residents and environmental organizations to express their concerns. These existing levels of review are already redundant or duplicative, due to a lack of coordination and oversight	See comment (#26 & 28).
30	22.08.190 (Definitions)			
31	22.08.190 "SEATAC"	California Department of Fish and Wildlife	Please consider the following definition for SEATAC: "The Significant Ecological Area Technical Advisory Committee, an expert advisory committee which assists the Department of Regional Planning and the Regional Planning Commission in their administration of Part 25 of Chapter 22.52.	Thank you for your input. We have partially used this language in Draft 4.
32	22.08.190 "SEA"	BIA	The proposed definition of "Significant Ecological Area" is written very broadly and, as a result, could be misinterpreted to include areas in addition to those mapped on the County's "Significant Ecological Areas and Coastal Resource Areas Policy Map of the General Plan" (SEA Map). The definition should instead clearly state that Significant Ecological Areas (SEAs) are the areas that are mapped on the County's SEA Map. The next sentence can then explain that the areas are mapped as SEAs are mapped as such because they contain an ecologically important land or water system etc. As written, however, the definition could be read to mean that SEAs include both mapped areas and unmapped areas that contain an ecologically important land or water system etc.	Thank you for your notes. We revised the ordinance definition in Draft 4 to concentrate on the SEAs as mapped areas.
33	22.08.190 "SEA"	BIA	One cannot assume that all land within an SEA map supports valuable habitat for plants and animals and is integral to the conservation of biological diversity in the County. While the County asserts this to be true, the thin science does not support this assumption. SEA is simply mapped land that is believed to support the valuable habitat for plants and animals and is integral to the preservation of rare, threatened or endangered species and to the conservation of biological diversity in the County. If site and species-specific investigation proves certainly land does not support, or is not significant to the support, of biologic resources, it should be appropriate for development. The definition of SEA should reverse the burden of proof in favor of the landowner unless something otherwise is proven in the SEA process	This understanding of the SEAs as land containing potential biological resources, is correct. The intent Draft 4 and Draft 3 is to create a framework wherein these areas will be investigated for resources requiring protection. Your statement that, " If site and species-specific investigation proves certainly land does not support, or is not significant to the support, of biologic resources, it should be appropriate for development" is correct, and the draft SEA Ordinance outlines how that investigation will be conducted and concluded. The findings establish a standard development must meet to prove itself appropriate for development in a natural area known to contain important biological resources. This is also how the ordinance currently works.
34	22.08.190 "SEA"	Conservation Biology Institute	Page 1. The SEA definition should read "OR to the conservation of biological diversity in the County."	Thank you for your notes. We revised the ordinance definition in Draft 4 to concentrate on the SEAs as mapped areas.
35	22.08.190 "SEA"	Puente Hills Habitat Preservation Authority	In this section the definition of an SEA has been amended and "means any portion of a lot or parcel of land containing an ecologically important land or water system that supports valuable habitat for plants and animals integral to the preservation of rare, threatened or endangered species and to the conservation of biological diversity in the County." As currently worded. it could be narrowly interpreted that an SEA is only an area that supports habitat for sensitive species AND biological diversity; rather, the definition should be for areas that support either sensitive species AND/OR biological diversity, not necessarily both. As such, this definition would indirectly acknowledge the importance of wildlife movement and habitat connectivity in promoting biological diversity.	Thank you for your notes. We revised the ordinance definition in Draft 4 to concentrate on the SEAs as mapped areas.

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36	22.08.190 "SEA"	Santa Monica Mountains Conservancy:	the definition of SEA is focused too narrowly on rare, threatened, or endangered species, whereas those are just one component of the ecosystem. We recommend the following change to the definition of SEA (in Section 22.08.190): "Significant Ecological Area" means any portion of a lot or parcel of land containing an ecologically important land or water system that supports valuable habitat for plants and animals integral to the preservation of rare, threatened or endangered species <u>or</u> to the conservation of biological diversity in the County	Thank you for your notes. We revised the ordinance definition in Draft 4 to concentrate on the SEAs as mapped areas.
37	22.08.190 "SEA"	National Park Service: Santa Monica Mountains National Recreation Area	Clarification of the SEA definition is needed to avoid unnecessarily narrow interpretation of what resources are to be protected under the SEA program. NPS recommends the County clarify whether or not "rare, threatened, or endangered species" refers only to officially listed species under the federal and state Endangered Species Acts. If the definition includes more than only officially listed species, we suggest amending the language to read: "officially listed species under state and federal laws and other rare, threatened, or endangered species that contribute to the conservation of biological diversity in Los Angeles County". The revised language would also address a possible misinterpretation that an SEA must contain habitat that serves only officially listed species and must contribute to conservation of biodiversity. We bring forward this needed clarification because much of the biodiversity within the proposed Santa Monica Mountains SEA (No. 22) is due to both a high number of listed or otherwise sensitive species and the high diversity of plant assemblages. Furthermore, the County's description of this SEA acknowledges the global rarity of the Mediterranean type ecosystem and the unique plant assemblage in the Santa Monica Mountains. Neither the ecosystem nor the numerous plant communities are officially listed for protection under federal or state laws.	Thank you for your notes. We revised the ordinance definition in Draft 4 to concentrate on the SEAs as mapped areas.
38	22.52.2600 Purpose	BIA	First Issue: The stated purposes of proposed Part 25 will provide the framework within which its requirements will be interpreted. The purposes of current section 22.56.215 with respect to development within SEAs include balancing the right to develop against the need to protect against incompatible development, which is defined as development that would result in environmental degradation, and providing a process by which potential conflicts between conservation of ecologically sensitive areas and development within those areas can be reconciled equitably. That objective of balancing competing interests has been carried forward in the County's draft General Plan's description of the SEA Program as "a method of balancing private property rights against impacts to irreplaceable biological resources." (See draft General Plan, Chapter 6, Conservation and Natural Resources Element, p. 127.) By contrast, the purposes of proposed Part 25 merely list identifying impacts, preventing impacts and utilizing sensitive design. There is no attempt to integrate these concepts to achieve a balance between development and the environmental resources that the County has established the SEAs to protect. Further, despite the statement that the purpose is not to preclude development, the	Both the current and proposed drafts 3 and 4 of the SEA ordinance state that the purpose of the ordinance is not to preclude development. The language used in Draft 3 was paraphrased directly from the existing intent and purpose of 22.56.215. The language in Draft 4 has been revised to be more concise, but retains the same overall meaning. The current adopted SEA Ordinance also requires that developers bear the burden of proof in establishing that their projects will not compromise the SEAs and hillsides. Additionally the proposed ordinance omits the language in the current 22.56.215 intent and purpose which states the ordinance will allow for "limited controlled development therein". Both Draft 4 and Draft 3 do not state that development will be limited, merely that proposed developments meet the objective of the purpose section of assessing and disclosing biological resources, designing the project using environmental sensitivity and preventing those impacts which compromise the SEA's sustainability. It is our belief that the purpose of the Draft ordinances may be read as less restrictive than the current intent and purpose.

#	Section	Author	Comment	Response to Draft 3
39	22.52.2600 Purpose	BIA	Proposed Language for Section 22.52.2600: This Part 25 is established to regulate development within the County's Significant Ecological Areas ("SEAs"), as defined by Section 22.08.190. These regulations are intended to create a process of review for proposed developments to which these regulations apply (as provided in Section 22.52.2620 <i>et seq.</i> , below) that meets the following three objectives: A. Identify and disclose the biological resources present on the portions of the proposed development site that are located within the SEA, and the potential impacts to such resources from a proposed development; B. Apply environmentally sensitive site design practices and development standards to the portions of the proposed development site that are located within the SEA to protect the identified biological resources from incompatible development. "Incompatible development" means development that may result in or that has the potential to result in environmental degradation such that species populations of significance (as described within that SEA'S Description within the General Plan) become unsustainable, or development that may or has the potential to result in the loss of SEA viability; and C. Establish a process whereby potential conflicts between conservation of the resources in SEAs (as identified in the County's General Plan) and	Thank you for your input. We have revised the Purpose section in Draft 4, please check the language to see if it addresses these concerns.
40	22.52.2600 Purpose	California Department of Fish and Wildlife	Comment: The use of the word "size" as a threshold is too narrow. There should be other examples of SEA degradation resulting from adverse development impacts. One example would be using degradation of habitat quality. The SEA may remain the same size but the quality of habitat may continue to degrade resulting in loss of SEA function and downgrading the area to an Ecological Transition Area as defined by the County.	This point has been noted. We will avoid the use of the word "size" in defining our objectives for subsequent drafts.
41	22.52.2600 Purpose	Santa Monica Mountains Conservancy:	Conservancy staff concurs with some of the purposes described in the SEA Ordinance, including assessing and disclosing biological resources, applying sensitive design practices, and maintaining and potentially enhancing biotic resources within SEAs (Section 22.52.2600). However, it appears the purpose is too narrowly focused and too dire. It focuses just on protecting species, rather than taking a more holistic approach to protect the ecosystem, including the water resources, habitats, plant communities, native species, etc. of the SEA. As we stated in our previous letter (June 25, 2012), the objective of the program should be to preserve ecosystem health, not just avert fatal impacts. This means that projects should consider impacts on all biological resources before they are degraded to the point to rarity or unsustainability. We recommend the following changes to the purpose (Section 22.52.2600.c.): Prevent impacts to biological resources and <u>other ecological resources</u> which would compromise the conservation of the County's biological diversity by affecting either the size, <u>quality</u> , or the connectivity of an SEA	Ordinances require specific and objective measures to work well. Our general plan can operate under a more "positive" framework- outlining desired uses, but an ordinance needs to focus clearly on what outcomes would be problematic to achieve the goal of resource protection. Given the complexity of ecosystem health, it is unrealistic to expect a zoning ordinance to be able to encompass a broad enough methodology to protect against every interrelated effect, during the review of specific projects. What we can do is identify the direct negative direct impacts of development and call out those impacts which will cause unsustainability in the ecosystem. The ordinance contains regulations that make clear that projects with these effects will be unable to meet the purpose of the SEA Ordinance. This project review, conducted in tandem with an ongoing Countywide SEA monitoring program outlined in the implementation program for the Draft General Plan will allow staff to examine cumulative causes and suggest potential modifications to the SEA ordinance over time. This combined process represents our best use of the Department's land use authority. The SEA program as a whole is intended to conserve the health of an ecosystem on private lands that are not banned from developing.

#	Section	Author	Comment	Response to Draft 3
42	22.52.2600 Purpose.	BIA	Proposed Language for Section 22.52.2600: This Part 25 is established to regulate development within the County's Significant Ecological Areas ("SEAs"), as defined by Section 22.08.190. These regulations are intended to create a process of review for proposed developments to which these regulations apply (as provided in Section 22.52.2620 et seq., below) that meets the following three objectives: A. Identify and disclose the biological resources present on the portions of the proposed development site that are located within the SEA, and the potential impacts to such resources from a proposed development; B. Apply environmentally sensitive site design practices and development standards to the portions of the proposed development site that are located within the SEA to protect the identified biological resources from incompatible development. "Incompatible development" means development that may result in or that has the potential to result in environmental degradation such that species populations of significance (as described within that SEA'S Description within the General Plan) become unsustainable, or development that may or has the potential to result in the loss of SEA viability; and C. Establish a process whereby potential conflicts between conservation of the resources in SEAs (as identified in the County's General Plan) and	Thank you for your input. We have revised the Purpose section in Draft 4, please check the language to see if it addresses these concerns.
43	22.52.2600	BIA	Proposed Part 25 of the Los Angeles County Code is intended to replace the regulations contained in current Section 22.56.215 of that code governing public and private development in "Significant Ecological Areas" ("SEAs"). The stated purposes of proposed Part 25 will provide the framework within which its requirements will be interpreted. The Reviewing Authority must make findings upon approving a proposed development activity governed by proposed Part 25 that the proposed development activity meets the objectives of Part 25 to the satisfaction of the Reviewing Authority.	No response- this is a statement.
44	22.52.2600	BIA	The purposes of current section 22.56.215 with respect to development within SEAs include balancing the right to develop against the need to protect against incompatible development, which is defined as development that would result in environmental degradation, and providing a process by which potential conflicts between conservation of ecologically sensitive areas and development within those areas can be reconciled equitably. That objective of balancing competing interests has been carried forward in the County's draft General Plan's description of the SEA Program as "a method of balancing private property rights against impacts to irreplaceable biological resources."	No response- this is a statement.
45	22.52.2600	BIA	By contrast, the purposes of proposed Part 25 merely list identifying impacts, preventing impacts and utilizing sensitive design; there is no attempt to <i>integrate</i> these concepts to achieve a balance between development and the environmental resources that the County has established the SEAs to protect.	The findings section of the ordinance outlines what development projects cannot balance their approval against the ecological losses they will create. This public decision making process for these conditional use permits is how the competing interests of resource preservation and development rights will be balanced.
46	22.52.2600. C	BIA	Second Issue: Proposed Section 22.52.2600, Part 25 Subsection C, Purpose, refers to "populations of significance as described within the SEA Description". The SEA Description provides a broad portrayal of the types of plant and animal resources that are believed to exist within each SEA, but does not provide thresholds of significance by resource type or population size. Problem: As a result, it is not possible to determine the meaning of the "populations of significance" with any specificity. Clear thresholds of significance should be established and reviewed by third parties before adoption.	See below response (#48) for 22.52.2600.C to the Friends of Antelope Valley Open Space, in regards to use of the word "significant" and the need for clarification.

#	Section	Author	Comment	Response to Draft 3
47	22.52.2600.C	Conservation Biology Institute	Item C should be re-written as: "Avoid impacts to biological resources or ecosystem processes that would compromise the long-term viability of the County's biological diversity, including direct and indirect impacts to connectivity, impacts to landscape integrity, impacts to species populations of significance or their pollinators and dispersers, impacts to the watershed and hydrological processes, and changes in the natural fire regime. These impacts apply to projects outside the SEA, as well as inside the SEA, as they may have indirect impacts on the SEA itself, such as runoff, altered hydrology, and an altered fire regime as the result of creating a new Wildland-Urban Interface (WUI)."	Thank you for your suggested language. We will consider your notes, however we will not be expanding the ordinance to consider development outside of the SEAs, and our ordinance does have a curtailed scope that seeks to look only at the direct impacts to a particular SEA at the time of a proposed development project within the SEA. A regional perspective is an important part of monitoring the overall health of the SEAs, and the County's biological resources in general, but that perspective and monitoring will be administered through the goals, policies and implementation programs in the General Plan as well as through partnerships with other regional stakeholders. The SEA Ordinance achieves portions of the County's goals, but it is a part of a larger whole, not the entirety of the SEA Program.
48	22.52.2600.C	Friends of Antelope Valley Open Space	Please include biological resources that are not necessarily "significant", "rare", since habitats that may possess few, if any, rare, endangered, listed, or otherwise more significant species often support or surround habitats that do support those deemed special by State or Federal listing Also, how does development itself "maintain or enhance biotic resources within SEAs?"	Your comment is noted. The word "significant" is a somewhat misleading term as it has certain meanings in other environmental regulations. We use the word significant because that's what SEA stands for "Significant Ecological Areas", and each SEA includes a description of the characteristic species and habitats for that SEA, as well as species and habitats that are limited or "rare" within that SEA. These species are what we mean when we say significant and rare but the point is made about the confusing nature of terms which are commonly used to mean something different. We have avoided using the term significant in Draft 4.
49	22.52.2610 Definitions.	National Park Service: Santa Monica Mountains National Recreation Area	We suggest adding "habitat linkages" and "wildlife corridors" to the definitions. NPS is available to provide input on the definitions.	Thank you for your suggestion. We would be interested in any language you would like to provide for habitat linkages and wildlife corridors to use in our SEA Program Guide. As a point of information our Connectivity and Constriction Map is unlikely to be as complex as the analysis done of regional linkages and corridors. Draft 4 uses the words "constriction" and "connectivity" instead of "corridor" and "linkage", in order to differentiate our department's specific planning use from that of biologists and conservationists. As in the issue of the word "significant" we think that much of the concern comes from using terms which have different contexts generally in environmental and conservation circles. We will look into how to best explain that difference in subsequent drafts. We have also avoided using the term significant in Draft 4.
	22.52.2610.A Coastal Resource Area			
	22.52.2610.B. Ecological Transition Area			
	22.52.2610.C Fencing, Wildlife Impermeable			
	22.52.2610.D Fencing Wildlife, Permeable			
50	22.52.2610.E Ground Disturbance	Aera Energy	The broad application of the Draft Ordinance to "ground disturbance" (Page 4, Item E) encompasses nearly any imaginable activity within the SEA, other than those specifically exempted. At a minimum, there should be a provision providing a general exemption for "grandfathered" activities that have been historically or are being conducted on a property (such as resource extraction), or that need to be conducted to properly decommission such activities.	The ordinance language grandfathers permitted activities and modifications to permitted activities. In Draft 4, this language is in section 22.52.2910 (Applicability), with notes about allowed modifications in 22.52.2915 (Permitted Uses) and 22.52.2930 (Conditional Uses). In Draft 3 sections 22.52.2620 A-D (Applicability) 22.52.2650. 2&3 (Permitted Uses). In addition existing uses on the SEA Development Map are subject to limited permitting. This map is available for public review at our GIS Net web mapping application (http://planning.lacounty.gov/gisnet3).
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#	Section	Author	Comment	Response to Draft 3
52	22.52.2610.E Ground Disturbance	Puente Hills Habitat Preservation Authority	The definition of "Ground Disturbance" is given as "any removal or thinning of vegetation, clearing to bare earth, agricultural discing, earthworks or any cubic yardage, or any other activity which would alter topography or affect areas of indigenous vegetation." This definition implies that only activities that affect "indigenous" vegetation are considered ground disturbance. Since nonindigenous vegetation can also provide habitat for sensitive species or wildlife movement, it is recommended that the word "indigenous" be removed from the definition to avoid misinterpretation.	We have removed the term "indigenous" in Draft 4. We have an exemption in the applicability section for restoration and removal of vegetation, this should allow conservancies to remove any non-indigenous species which is also invasive.
	22.52.2610.F SEA CUP Type A			
	22.52.2610.G SEA CUP Type B			
53	22.52.2610.H SEA Developed and Disturbed Areas Map	California Department of Fish and Wildlife	Disturbed areas may have high biological value. This map should not imply lesser ecological value without a case by case evaluation of the habitat quality by SEATAC.	Draft 4 renamed the Developed and Disturbed Areas map to the SEA Development Map. We have mapped those areas in use and disturbed by human activities. This map is intended to help incentivize those development projects and applications that apply for new uses in areas which have already been affected by human activities, by limiting the regulations which apply. Our map is a physical assessment of what is present on the ground. Most of the areas which qualify as developed are in current use as agricultural lands, parking lots, graded pads, paddocks, fuel modification zones, etc. Our Department is operating under the assumption that these areas are more suited to handle new development than areas which are currently completely undisturbed and not in use for human activities. This map may include some lightly disturbed areas which have resources, however they would be located in proximity to human structures. We will have an opportunity to modify this map prior to public hearing so if your department identifies areas in the mapped Development (which can be seen on our GIS Net web mapping application: http://planning.lacounty.gov/gisnet3) that are known to have high resource values, please let us know.
54	22.52.2610.H SEA Developed and Disturbed Areas Map	Cook Hill Properties	in order for the public to adequately comment on the Draft Ordinance, Staff should provide "SEA Developed and Disturbed Areas Map" and the "SEA Habitat Linkages and Wildlife Corridors Map". When these Maps are available, CHP and the public will be able to more adequately comment on the Draft Ordinance.	The SEA Development Map is publicly available on our online mapping application- GIS Net (http://planning.lacounty.gov/gisnet3). The Habitat Linkages map has been renamed as the Connectivity and Constriction Map and is currently in development and revision. A sample of this map should be available shortly to illustrate what the map will look like.
55	22.52.2610.H SEA Developed and Disturbed Areas Map	County of Los Angeles Department of Public Works:	Further discussion with Regional Planning staff is necessary to better comprehend the purpose of the "SEA Developed or Disturbed Areas Map" and understand the exemptions, if any, that apply to areas shown on this map. Public Works currently utilizes many material stockpile sites located on land either owned or leased by the County for road maintenance purposes, some of which are either fully or partially within an "SEA Developed or Disturbed Area" as mapped at http://planning.lacounty.gov/gisnet3 . Since stockpile sites are active sites that may or may not have obtained a CUP when they were first created, it is unclear if they are exempt from the requirements of this Ordinance the way they are currently written. It is, however, recommended that County stockpile sites be excluded from the requirements of the Ordinance in some manner along with any Road Maintenance District yards. Similarly, it is unclear from looking at the mapped SEA Developed or Disturbed areas on http://planning.lacounty.gov/gisnet3 why the entire road right of ways are not being fully mapped and only the roadway itself is deemed a SEA developed and disturbed area. Maintenance activities could occur within the road right of way not just within the paved roadway itself and, therefore, these areas should also be mapped. An example of where	County maintained areas and structures are not subject to the main provisions of the SEA Ordinance, so the SEA Development Map will not affect County operations or facilities. County Agencies will be handled by a different process than the majority of the ordinance. Please see "22.52.2955 County Development Review Procedures" in Draft 4 and "22.52.2680 County Project Review" of Draft 3 for an outline of the process. We will be following up with public agencies to work on the process in more detail. Roadways were mapped only to gain an approximation of the area of actual roadways in LA County SEAs, and are based on the Thomas Brothers road maps.
56	22.52.2610.H SEA Developed and Disturbed Areas Map	LACFB/GNebeke r	Does not satisfactorily address disturbed and developed areas. As you know, current maps of Significant Ecological Areas contain lands that have been disturbed on an annual basis for over half a century. The process for removing disturbed lands, for example, from portions of property or parcels is not clearly delineated.	Developed Areas will not be removed from the SEA but they will be designated and will not require an SEA CUP for future development projects, provided simple design standards can be followed. Please see our map of the Developed Areas on GIS Net: http://planning.lacounty.gov/gisnet3 .

#	Section	Author	Comment	Response to Draft 3
57	22.52.2610.I SEA Design Manual	BIA	Issue: As previously stated, the list of species proposed in the draft Design Manual-Trees and Invasive Species, has expanded and is (5) five times greater than that of the State's (created by the Invasive Species Council of California-ISCC as directed by the California Invasive Species Advisory Committee-CISAC) Invasive Species List, limiting the plant selection by 600 species. ISCCICISAC created the list of invasive species by evaluating species that have a reasonable likelihood of entering or have entered California for which an exclusion, detection, eradication, control or management action by the State might be taken" (CISAC Charter, Article IIIB). The CISAC worked with the U.C. Davis Information Center for the Environment to develop an online tool for creating and maintaining a "living" list of invasive species in California. The list draws from numerous sources, engages a variety of experts and supports continuous updating. Problems: The County is proposing to regulate Invasive Species, which are already regulated by the State of California. What sources and experts were engaged to expand the invasive species list by the County to warrant the list expansion?	Our staff biologist used herbarium records to generate the list of species which is intended to be a more complete list, based on issues with invasives that our staff have encountered in their work across the County. This list will be modified by the addition of which sunset zone each species is prohibited in, which ought to shorten the list for specific parcels.
58	22.52.2610.I SEA Design Manual	L.A. Group Design Works Inc.	are concerned about the expansion of the tree and landscaping species list which will not be allowed once the above referenced ordinance is adopted. We ask that you maintain the current list of species so that we will continue to have choices when asked to enhance the landscaping as the Planners of the County typically require.	The list comes from our Staff biologist (see comment #57) and is intended to ensure that homes in the SEAs do not plant species which will compete with or negatively impact the resources the SEAs intend to protect. Sunset zones will be added to the list of species so it is clear which sunset zone each species is prohibited in.
59	22.52.2610.I SEA Design Manual	Puente Hills Habitat Preservation Authority	This section of the Draft SEA Design Manual includes a list of native tree species requiring a 50- foot setback, and a list of invasive plant species which would be prohibited from landscaped areas. It would help for clarification to identify the trees on this list as "native" trees, to differentiate them from the rest of the list which identifies "invasive" plant species. Please also refer to "invasive" plants consistently, and not as "non-native", to avoid confusion. Finally, please indicate the source for the list of "invasive" plant species and add that plants given a California Invasive Plant Council inventory rating of high or moderate shall not be planted"	Our staff biologist used herbarium records (see comment #57) to generate the list of species, not the CIPL. We will look into clarifying terms regarding species throughout the next draft.
60	22.52.2610.I SEA Design Manual	Save Our Community:	We support the removal of Arundo, Atlanthus, Euclyptus, Castor beans, acacia, "pepper trees" and other invasives from the Rio Hondo and Whittier Narrow dam basin. These invasives drive out necessary habitat for native flora and fauna.	Thank you for your support.
61	22.52.2610.I SEA Design Manual	Urban Arena	<p>One of the hardest concepts I had while reviewing the SEA Ordinance is how entire plant species are labeled as invasive without considering the environment where they would in fact be planted. For example, just because a plant is invasive in the desert does not mean it is invasive near the coast, since the birds that live along the coast eat all the berries that make the plant invasive in the desert [where the plant does not have the natural 'predator' being the bird so the berries/seeds spread and become invasive].</p> <p>It is also worth noting that horticulturalists are being ever vigilant in creating hybrid versions of otherwise invasive plants that are in fact not invasive. For example, the SEA Ordinance considers the Olive tree [one of the most popular trees planted in Southern California] to be invasive, however horticulturalists have created 'fruitless' varieties which have infertile/no fruits on the tree that could cause the plant to become invasive.</p> <p>It would helpful to understand the logic and selection process for how certain plants are being considered invasive under the new SEA Ordinance Draft Design Manual because as it stands now, The document would severally cripple the diverse landscape designs that are created within the region, and considering Southern California is one of the most diverse cultures in the United States, if not the World, the document being proposed will</p>	See above comments (#57-59) regarding the list and selection , as well as modifications in future drafts. Although fruitless hybrids would not be able to reproduce and spread, there is no reliable method to differentiate at a glance between a fruitless hybrid and a fruiting hybrid during most seasons of the year. As a result fruitless hybrids will not be proposed for exception from the list.

#	Section	Author	Comment	Response to Draft 3
62	22.52.2610.J Habitat Linkages and Wildlife Corridors Map	California Department of Fish and Wildlife	Wildlife linkages and corridors are poorly understood and continue to be defined as new information becomes available. It is useful to have a map of known areas but this map should not be used as a definitive planning tool.	We are attempting to map points of greatest constriction. We are using a purely physical model of the built areas in the SEAs. This differs from the models used by the South Coast Missing Linkages Project and other scientific studies of linkages and corridors, in creating a useful planning tool to assess where new development would cut off important areas for species movement or genetic exchange. Our map will be used as a definitive planning tool, however as discussed above we note that there is confusion potential between the meaning of linkages and corridors and the objectives of our map. Draft 4 uses the alternate terms of "connectivity" and "constriction" to reduce confusion between our method and those used for mapping biological linkages and corridors.
63	22.52.2610.J Habitat Linkages and Wildlife Corridors Map	Cook Hill Properties	see Cook Hill Comments for dev & disturbed	See response (#54) above.
64	22.52.2610.J Habitat Linkages and Wildlife Corridors Map	Santa Monica Mountains Conservancy	We recommend that the following text be added to Definitions. J. "SEA Habitat Linkages and Wildlife Corridors Map": <u>New research and new information may show additional habitat linkages and wildlife corridors in existence that are not currently depicted on the map.</u> There is a wealth of knowledge and resources currently to prepare a map that will be a useful resource. However, it is impossible to portend whether there may be future new information about specific properties (e.g., through onsite site visits by biologists) or new research and knowledge regarding wildlife movement that may justify new or previously overlooked locations of habitat linkages and wildlife corridors not shown on this map.	Our maps will be the full extent that we would use for planning decisions. The map will be updated regularly, but the objective is to provide a concrete map for evaluation, not a shifting target.
65	22.52.2620 Applicability	BIA	First Issue: Proposed Section 22.52.2620 does not provide an exception for an application for a project-specific SEA Conditional Use Permit (CUP) filed pursuant to a valid program SEA CUP granted in accordance with existing Section 22.56.215. (See Draft Ordinance, pages 5-7.) Problems: Program SEA CUPS have been granted in accordance with existing Section 22.56.215; at the time these Program SEA CUPS were granted, the County contemplated that subsequent application for project-specific SEA CUPS would be filed with the County and processed in accordance with existing Section 22.56.215. Accordingly, project applicants designed subsequent projects in reliance on and consistent with that existing programmatic framework. To subject those projects to revised procedural and substantive provisions, which include newly designated SEA lands, would impose an undue and unnecessary burden on such previously approved projects.	See response (#50) to Aera Energy on 22.52.2610.E Ground Disturbance. Valid CUPS are grandfathered, and that is written into the draft.
66	22.52.2620 Applicability	BIA	Second Issue: Proposed Section 22.52.2620 does not provide an exception for certain existing ongoing uses within a SEA. (See Draft Ordinance, pages 5-7.) Problems: Existing agricultural operations, managed grazing lands, and oil and gas operations have been conducted in parts of the County since the mid-20th century, pre-dating the County's SEA program. These historic uses were not, and presently are not, required to obtain SEA CUP permits under the existing ordinance and to require the operators of such activities to obtain SEA CUP permits now would be unduly burdensome. Moreover, in light of their historic uses, much of the subject areas do not contain ecologically important land or water systems that support valuable habitat for special-status species and to the conservation of biological diversity in the County, nor are the natural ecological features or systems functionally integral to the SEA or support important plant or animal populations. As previously discussed in comment letters to the Department of Regional Planning, there should be a provision providing a general exemption for "grandfathered" activities that now or heretofore have been conducted on a property, such that grandfathered activities do not require an SEA CUP. Examples of such grandfathered	See response (#57)to Aera Energy on 22.52.2610.E Ground Disturbance. Valid CUPS are grandfathered, and that is written into Drafts 4 and 3. If land is currently in use for farming it should be reflected on the SEA Development Map and designated as Agricultural Developed Area. (available on GIS Net 3) and should not require an SEA CUP. Supportive maintenance for existing permitted facilities, such as fence repair, would not be included in the provisions of this ordinance.

#	Section	Author	Comment	Response to Draft 3
67	22.52.2620 Applicability	BIA	Third Issue: Proposed Section 22.52.2620 does not provide an exception for mitigation activities conducted within a SEA. (See Draft Ordinance, pages 5-7.) Problems: Mitigation activities are not exempted from the provisions even though such activities are consistent with, and in furtherance of, the purpose of the SEA Ordinance to maintain and potentially enhance biotic resources within SEAs. To impose a requirement to obtain a SEA CUP for such activities would be both unnecessary and unduly burdensome.	Mitigation activities would be permitted as part of any valid grandfathered permit or SEA CUP. See response (#2) to Aera Energy's comment at the top of this spreadsheet in the general comments on the ordinance for more information about mitigation's relationship to the SEA Ordinance.
68	22.52.2620 Applicability	BIA	Fourth Issue: Proposed Section 22.52.2620 does not provide an exception for ground disturbance activities conducted pursuant to a previously issued Master CUP on newly designated SEA lands. (See Draft Ordinance, pages 5-7.) Problems: Master CUPS for activities on lands previously not designated within a SEA were granted in contemplation by the County and applicant that no further discretionary CUPS were necessary. Accordingly, project applicants designed the approved use or project in reliance on and consistent with the Master CUP. To subject those activities that are consistent and in compliance with the Master CUP to newly adopted requirements would impose an undue and unnecessary burden on these previously approved projects.	This is an unclear reference. We do not have a CUP known as a Master CUP. Please clarify.
69	22.52.2620 Applicability	BIA	Fifth Issue: Proposed Section 22.52.2620, Subsection C, refers to "complete applications" not being subject to the updated ordinance. Problem: Active projects that have been in the review process, under-going, Site Plan Review, SEATAC review, etc., should also be exempt from the proposed ordinance as applicants are actively processing under the current guidelines but may not have yet met the criteria for a "complete application". Furthermore, as has previously been stated, written assurances that these applications are exempt should be provided to all such applicants.	Subsection D of Section 22.52.2910 (Applicability) in Draft 4 goes into detail on how pending applications will be processed. Determination of what consists a complete application is made by DRP policy. Our ordinance will be consistent with the overall Departmental policy and process for this determination.
70	22.52.2620 Applicability.	California Department of Fish and Wildlife	Include agricultural activity as a ground disturbance activity under Applicability. See attached CDFW letter to LA County Dept. of Regional Planning on this subject.	The definition of ground disturbance is no longer used in Draft 4. Please see the term Development in section 22.52.2905 (Definitions) of Draft 4. As defined in Draft 3 ground disturbance is intended to include any agricultural activity. Please compare the definitions of Draft 4 and Draft 3 to see if this resolves the concerns. Existing agricultural activities should be captured on the SEA Development Map, and designated as Agricultural Developed Area. (available on GIS Net 3)
71		Conservation Biology Institute	Page 5. Applicability should include "transmission lines" as an example of a land use requiring a permit through an SEA.	See above comment (#70) to CADFW. We understand there is some confusion as to the applicability section and we will attempt to address this in future drafts. However, certain types of land use are not regulated by our department. Many types of utilities are not subject to local zoning provisions. Where our authority is superseded by state and federal regulations, as is the case with many transmission lines, we will not be able to apply this ordinance.
72	22.52.2620 Applicability.	County of Los Angeles Department of Public Works:	Modify the first paragraph as follows: "The provisions of this Part 25 shall apply to any ground disturbance wholly or partially, located within a SEA and to any use or project, including construction activities, storage, fuel modification zones, and related on-site and off-site improvements such as grading, roads, sewer lines, water lines, and drainage facilities, wholly or partially, is located within a SEA, except for:..."	This typo was resolved. The language in Draft 4 no longer uses ground disturbance. See definition of Development in 22.52.2905 instead.

#	Section	Author	Comment	Response to Draft 3
73	22.52.2620 Applicability.	County Sanitation Districts	The Districts believe that construction and maintenance of public utilities (e.g., water lines, sewer lines, storm drains) located within a street, the disturbed shoulder of a street, or on previously disturbed right-of-way should be added as exempt projects. Such projects would not impact previously undisturbed vegetation and would result in little to no threat to adjacent biological resources. Even if exempted as requested, the requirement to comply with CEQA would still require consideration of environmental impacts and mitigation of any potentially significant impacts. The requirement for such projects to go through a site plan review (simplest process in the current proposal) would require application preparation, application review, and a mandatory site visit by a County biologist. These efforts require time and resources by both the applicant and the County that are not justified.	There will be a County process for County agencies. County Agencies will not go through a permitting process with the Department of Regional Planning, but there will be an official consultation period for major projects within SEAs. Please see 22.52.2955 "County Development Review Procedures" and "22.52.2680 County Project Review" of Draft 3 for an outline of the process, and see comment (#7) to City of Los Angeles Department of Water and Power for more information about our outreach. Additionally see above comment to the Conservation Biology Institute regarding applicability of local zoning ordinances to utility projects.
74	22.52.2620 Applicability.	County Sanitation Districts	The Districts believe that public projects that have been approved and have a recorded, valid CEQA document prior to the effective date of the ordinance should be exempt where such projects were not within an SEA prior to their approval. Such projects would already have gone through a public process where the impacts to biological resources were considered and appropriate mitigation was identified. To add a new discretionary approval after a public decision to proceed with the project was already made does not seem appropriate.) §22.52.2650 Permitted Uses. Item A.2. and B.1. (pages 12 and 13) - The Districts agree that projects located entirely within developed or disturbed areas are appropriate permitted uses. However, to best use public resources, such projects should be exempt or required to go through a very simple process to verify the location within a previously disturbed area. With the wide availability of aerial imagery including Google Street View, Bing oblique imagery, and high quality imagery available from the Los Angeles Regional Imagery Acquisition Consortium (LARIAC), applicants and County staff could usually verify the disturbed status of a parcel without physically visiting the site. As currently worded, such projects would require a site plan review which would require application preparation, application review, and a mandatory site visit by a County biologist. These efforts require	Approved projects which require permits from our department will not be subject to the ordinance provisions. Public projects undergo a different review process than private projects. Please see 22.52.2955 "County Development Review Procedures" in Draft 4 or "22.52.2680 County Project Review" of Draft 3 for an outline of the process, and see the previous comment for more information about our outreach. Additionally see above comment (#71) to the Conservation Biology Institute regarding applicability of local zoning ordinances to utility projects.
75	22.52.2620 Applicability.	Friends of Antelope Valley Open Space	Exceptions should not include open ended CUPs attained prior to the approval and implementation of these ordinances for the reason that project site conditions may change. What if the property in question is in what has now been identified a Wildlife Corridor, or subsequently discovered to be habitat for listed species? Section 22.52.2620 (page 5) should read: "The Provisions of this Part 25 shall apply to any ground disturbance wholly or partially located within an SEA and to any use or project adjoining or nearby any SEA with the potential to harm that SEA, or public or private conservation or reserve areas; including construction activities, storage, Fuel Modification Zones, and related off-site improvements such as grading, roads, sewer lines, water lines, and drainage facilities wholly or partially located within an SEA..." Any number of commercial, industrial, or agricultural projects could cause harm to SEAs adjacent or even some distance from such projects; so, should be reviewed by County biologists who could recommend SEATAC appraisal.	When CUPs change conditions of approval they return through the permitting process, but once a CUP is granted, it is not required to return for renewal until it has expired or is modified. If a CUP is granted without an expiration date it remains valid and vested no matter the subsequent changes in the regulations. We have added a 2 year time limit for grandfathered renewal of expired CUPs in Draft 4, see 22.52.2915 "Permitted Uses".
76	22.52.2620 Applicability.	Land Veritas Corp	We respectfully request that the SEA exempt mitigation and conservation banks that are in process for approval or approved by the U.S. Army Corps of Engineers (Corps) and/or California Department of Fish & Wildlife (CDFW) pursuant to the Corps/ U.S. Environmental Protection Agency (EPA) 2008 Mitigation Rule and/or California Senate Banking Bill 1148 from the review requirements of the SEA. (NOTE: Section 14 of SB1148 contains the mitigation and conservation banking provisions)	We have not exempted mitigation and conservation banks in Draft 4, however we would be interested in discussing further how this approach would work.

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77	22.52.2620 Applicability.	Puente Hills Habitat Preservation Authority	The following changes are recommended to the first paragraph for clarification (suggested text underlined): "The provisions of this Part 25 shall apply to any ground disturbance wholly or partially located within an SEA and to any use or project (<u>including those that do not involve ground disturbance</u>), including construction activities, storage, Fuel Modification Zones, and related onsite and off-site improvements such as grading, roads, sewer lines, water lines, and drainage facilities wholly or partially located within an SEA, except for:". The first suggested change is recommended so that the SEA Ordinance would also clearly apply to certain activities that may indirectly affect habitat but may not involve ground disturbance, such as lighting for a new tower on top of an existing structure or adding height beyond 200 feet to a structure. The second suggested change (from "off-site" to "on-site") was recommended to correct an assumed error. Subsections A through D exempt previously filed or approved projects. We suggest that these exemptions prohibit the removal of any native habitat that may have developed or recovered on or adjacent to the site, and consider protection of any sensitive species or important wildlife movement corridors that may have since been identified. In addition,	The definition of ground disturbance is no longer used in Draft 4. Please see the term Development in section 22.52.2905 (Definitions) of Draft 4 to see if this resolves your concerns.
78	22.52.2620 Applicability.	Santa Monica Mountains Conservancy	As we stated in our June 25, 2012 letter on the Draft SEA Ordinance (June 2012 version), the Conservancy seeks an exception for standard open space management and recreation uses. Open space park agencies primarily target their land acquisitions within open space areas precisely because those areas support sensitive plant communities and other sensitive environmental resources. Based on these shared preservation objectives, park agency lands often have uses and facilities within SEAS, and it is critical that the proposed ordinance does not unduly burden open space park agencies in achieving their missions of protecting open space and providing interpretation and access for the public. Most importantly, the following uses should be added to the ordinance as an exception or exemption to allow for open space park facilities and activities: trail construction, public campsites, public restrooms, and public parking. At the very least, if exemptions are no longer included in the SEA Ordinance, then we recommend that those open space management and recreation uses be included in Section 22.52.2650 Permitted Uses. These anticipated park uses would in most cases have much fewer and less intense impacts to SEAs than a single-family home (which is considered a Permitted Use in the	We did not include this exception in Draft 4. While certain forms of passive recreation in natural areas may be very compatible with preservation of habitat and biodiversity, not all recreation uses are compatible with the aim of the SEA program. We agree that low intensity public recreation facilities are important land uses which are often appropriate, but we will need to consider carefully how many types of uses may have full exemptions. For instance a basketball court or education center may be designed in an environmentally sensitive manner within a conservation area, or it may not, and may cause impacts comparable to other forms of development. Please see response Land Veritas Corp in comment (#76).
	22.52.2620.A			
	22.52.2620.B			
	22.52.2620.C			
	22.52.2620.D			
79	22.52.2620.E	California Department of Fish and Wildlife	Some provisions for maintaining SEA buffers need to be included. Will Ecological Transition Areas be reviewed to prevent adverse impacts to adjacent SEAs?	See response to Lpurcell in the General Comments responses at the top of this spreadsheet (#16). The new ordinance does not propose to include buffers. The mapping designation of Ecological Transition Areas has been removed from the SEA Program. ETAS were SEA areas that meet a slightly reduced burden of proof, but undergo a comparable level of permitting to other SEAs. Instead, Draft 4 includes the category of Agricultural Developed Areas was created to replace the ETA category and provide a simpler permitting process.
80	22.52.2620.E	County of Los Angeles Department of Public Works:	"Any ground disturbance, use, or project designed such that the entire footprint of the ground disturbance, use, or project, including construction activities, storage, fuel modification zones, and related <u>on-site</u> and off-site improvements such as grading, roads, sewer lines, water lines, and drainage facilities, is located outside of the SEA."	This typo was resolved. The language in Draft 4 no longer uses ground disturbance. See definition of Development in 22.52.2905 instead.

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81	22.52.2620.E	Puente Hills Habitat Preservation Authority	We understand that projects outside of SEAS are not subject to this Ordinance, however, please consider that for projects immediately adjacent to the SEAs that they be reviewed by the County Biologist for capability. Just as the Fire Department, Parks, and other County departments review projects prior to approval. so to would the County Biologist in these instances, and would check the project for compatibility issues associated with noise, lighting, runoff, etc. The exemption from the SEA Ordinance noted in Subsection H is for "any of the following activities required, requested, or permitted by a governmental agency: (1) Removal or thinning of vegetation for fire safety; and (2) Hazard management activities in response to public safety concerns." We suggest that activities <u>undertaken by</u> a governmental agency also be included in this exemption, per the June 2012 Draft SEA Ordinance. In addition, we also suggest that activities involving removal of non-native vegetation (including by herbicide) and habitat restoration (including, but not limited to, seeding, planting of container plants, and irrigation) also be exempted activities by open space management government agencies. We also suggest exemption of government agency activities such as scientific studies, erosion	See response to Lpurcell (#16) in the General Comments responses at the top of this spreadsheet. The new ordinance does not propose to include buffers. See response to the Santa Monica Mountains Conservancy on 22.52.2620 Applicability, for a discussion of exemption of government activities and open space uses. See "22.52.2680 County Project Review" of Draft 3 for an outline of the process required for public agencies.
82	22.52.2620.F. Lot Line Adjustment	Friends of Antelope Valley Open Space	Page 7/29—Lot line adjustments may encroach on SEA lands without SEATAC review. These should be reviewed on an individual basis. The size of the parcels, lot lines in question, and their proposed use should be subject to review to determine effects on SEAs.	Lot line adjustments are not in themselves development activity. Therefore even if a parcel were adjusted such that more or less of the parcel was within or outside of the SEAs, it wouldn't affect the SEA until development itself was proposed. As only one lot line adjustment is allowed within the SEAs without requiring a permit we do not anticipate impacts to the SEA from these adjustments.
83	22.52.2620.G. Surface Mining	Friends of Antelope Valley Open Space	It is outrageous to exempt surface mining from SEATAC review. It should be exempted from SEAs, period.	Surface mining is subject to its own permitting process, and is primarily guided by the standards of the 1975 Surface Mining Reclamation Act. As such, our department is not able to alter many of the provisions of those regulations due to overriding regulations. However, in order to capture the concerns expressed in these letters, we have included SEATAC review for the reclamation plans submitted by surface mining operations. This language will codify a process that is currently being used by the department. See 22.5.2.2920 (Permitted Uses--Review Procedure) subsection C in Draft 4.
84	22.52.2620.G. Surface Mining	JDillard	SURFACE MINING PERMITS need a report in relationship to extraction methods and its effects on the land and water systems.	See previous response (#83).
85	22.52.2620.H	California Department of Fish and Wildlife	Did the County of Los Angeles Review the Board of Forestry's Vegetation Treatment Program Draft PEIR? This would allow thousands of acres of fuel reduction within the County. It is unclear how much specific impact analysis under CEQA will be required by private and local government agencies performing fuel clearing projects under this PEIR. It could have major impacts to SEAs if no further reviews are required. See attached CDFW comment letter regarding this subject.	Our Department didn't review this PEIR, but following this comment our staff looked at it briefly and, then read the CDFW letter. As it looks like the PEIR proposes something like 286,929-acres of clearance for the entire South Coast of CA, (http://bofdata.fire.ca.gov/board_committees/resource_protection_committee/current_projects/vegetation_treatment_program_environmental_impact_report_(vtpeir)/pdfs/VTPEIR%20Ch%2006.pdf , pg 6-20), spread over several counties the likelihood that our SEAs will be significantly affected seems low- our total SEA area is larger than the proposed total acreage for all of the South Coast CA area. We welcome any invitation to collaborate with the Board of Forestry and CDFW on this issue. We note that the PIER states, "There may indeed be potential adverse effect to small scale biological resources (e.g. hot spots, rare plants, etc.) that occur at a localized scale that will need to be addressed at the project level and incorporated through the use of an environmental checklist and consultation with subject matter experts as needed. In general, VTP treated acreage will not be extensive enough or result in significant alteration of treated vegetation types to result in a negative cumulative effect to wildlife species when the

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86	22.52.2620.H	County of Los Angeles Department of Public Works:	<u>Add: 2. Operations and maintenance of flood. water conservation. and roadway infrastructure that includes the removal or thinning of vegetation; and</u> <u>3. Hazard management activities in response to public safety concerns including maintenance, preservation, or restoration of existing roadways or flood protection facilities involving adjacent slopes, shoulders, drains, and appurtenant structures located near or within dedicated public right of way or associated easements. "</u>	County maintained areas and structures are not subject to the main provisions of the SEA Ordinance. County Agencies will handled by a different process than the majority of the ordinance. Please see 22.52.2955 (County Development Review Procedures) in Draft 4 or 22.52.2680 (County Project Review) in Draft 3 for an outline of the process, and we will be following up with public agencies to work on the process in more detail (comment #7)
87	22.52.2630 Applicability of zone and supplemental district regulations.	M.Davidheiser	says uses permitted by zoning apply EXCEPT where this Part 25 is more restrictive than a provision regulating the same matter in any such zone. This is unclear.	We apologize for the confusion. This is standardized language. It means that if two regulations are required in one location- say an SEA standard of fencing, and a Community Standards District requirement for fences, the SEA rule will be followed unless the other standard is stricter.
88	22.52.2640 Development Standards	BIA	As written, the Development Standards are too specific and unjustified by science. Development Standards should be removed from the Ordinance and incorporated into a separate document that provides suggested criteria and Design Guidelines to accompany the Ordinance. As part creating the Development Standards and Design Guidelines, the following- should be addressed. We hope the Department of Regional Planning will consider all these Issues and Problems when developing the Development Standards and Design Guidelines. These are not presented in order of importance:	The development standards are supported by recommendations made in our 2000 SEA Update Study (available on the SEA webpage: http://planning.lacounty.gov/sea/studies) and vetted by our staff biologist. The SEA standards are related to potential impacts to connectivity, species and habitat quality and are scientifically defensible. We are open to suggestions regarding modifications to these standards, however they are intended to capture best practices for environmentally sensitive design.
89	22.52.2640 Development Standards	BIA	First Issue: Proposed Section 22.52.2640 establishes mandatory specific development standards to be applied to ground disturbances, uses, or projects within SEAs. (See Draft Ordinance, pages 7-12,). Problems: These detailed, inflexible mandatory standards do not take into account the site-specific characteristics of the resources, or lack of significant resources, or the project-specific effects on those resources however insignificant. Mandatory and inflexible standards are imposed even in cases of insignificant intrusion in the SEA because the land happens to be included within an area in the SEA Map. Additionally, there is no scientific substantiation for the setbacks set forth in the mandatory standards. There are also specific setbacks and other metrics used in the mandatory development standards that are not tied to existing conditions or project design features; and, therefore, are not substantiated. Consequently, the ordinance treats all project effects indiscriminately and requires the same setbacks for all projects without any basis for doing so, rendering the setbacks arbitrary and capricious. In addition, these standards constitute the County's attempt to assert its jurisdiction over areas already within the jurisdiction of other bodies, such as the	The establishment of standards for by-right or ministerial uses legally requires a one-size-fits all approach. Only applications which undergo conditional permitting are allowed to be treated with regulatory flexibility. As such, we apply a fixed number to how far a development must be set back from a resource because we are required by law to treat all developments similarly. However, if a project cannot meet the development standard as a permitted use, it is provided flexibility by being allowed to apply for a conditional use permit. This means that if an application for a single family house cannot be built outside of the setback required for a stream, the applicant is allowed to seek a conditional use permit which will allow for greater flexibility, in exchange for preparation of CEQA documents and a requirement of public hearing. These standards are not intended to supersede any regulations which might be imposed by another agency, but rather to complement larger objectives of resource preservation through the application of land use authority.
90	22.52.2640 Development Standards.	California Department of Fish and Wildlife	General Comment: Development within flood plains should be discouraged and/or subject to review to assess biological impacts and public safety/infrastructure risks. It is often risks to public safety, buildings and associated infrastructures requiring protection from flooding that drive habitat alterations that often negatively impact biological resources.	Flood Control regulation is maintained by the County Department of Public Works. For more information about flood districts see: http://dpw.lacounty.gov/lacfd/# . The SEA Ordinance is specifically concerned with potential impacts to water resources from development, as it affects species and habitats, which is why the ordinance has setbacks for location near water resources. It does not assess the safety of development in flood plains as flood district regulation and permitted is maintained by the County Department of Public Works. For more information about flood districts see: http://dpw.lacounty.gov/lacfd/# .
91	22.52.2640 Development Standards.	M.Davidheiser	SETBACKS: 50 ft. from the edge of a native tree? No encroachment on 1,000 ft. wide habitat linkages or 200 ft. wide wildlife corridors? 75, 150 or 300 ft. from riparian habitat? How can this possibly be justified?	These distances were based primarily on recommendations from staff biologists and the 2000 SEA Update Study (available on the SEA webpage: http://planning.lacounty.gov/sea/studies) which was created by a biological consulting firm.

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92	22.52.2640 Development Standards.	National Park Service: Santa Monica Mountains National Recreation Area	NPS concurs with the standards for wildlife-permeable fencing, fuel modification zones, and mature tree setbacks.	Thank you for your support.
93	22.52.2640.A Landscaping	BIA	Fifth Issue: Proposed Section 22.52.2640, Section A, prohibits use of plants from SEA Invasive Species Lists. Problems: The SEA Invasives Species List is far more extensive than the state's CAL IPC list. The State utilizes a rigorous research approach to identifying invasive species, and considerable analysis and evaluation of both wildlife and plants are submitted and reviewed by experts to determine what species is on the list. What sources and experts were engaged to expand the invasive species list by the County to warrant the list expansion? The County is now proposing to regulate Invasive Species, which are already regulated by the State of California. This is yet another example where the County is attempting to impose policy in an area that is already regulated by another agency and is doing so in contradiction to the science, evaluation and study that has already been completed by the State.\	See previous responses to comments (#57-59) on 22.52.2610.I SEA Design Manual . Please note, in Draft 4 the SEA Design Manual has been renamed to the "SEA Program Guide".
94	22.52.2640.A Landscaping	LPurcell	Landscaping should include a preference or mandate for use of native plants for habitat value and water conservation.	We encourage and support use of native plants in the SEA Program Guide (Formerly named the SEA Design Manual), but we will not be requiring it at this time as there is a limited supply of native plants which are commercially available.
95	22.52.2640.A Landscaping	Puente Hills Habitat Preservation Authority	Subsection A states that "Landscaped area within an SEA shall not include invasive species listed in the Invasive Species List of the SEA Design Manual." Please consider the following revised language (new text <u>in underline</u>): "Landscaped area within an SEA shall not include invasive species listed in the invasive Species List of the SEA Design Manual or has a <u>California Invasive Plant Council inventory rating of high or moderate.</u> "	Please see response to comments (#57-59) on 22.52.2610.I SEA Design Manual, specifically the response to your agency's comment. Please note, for the release of Draft 4 the SEA Design Manual has been renamed to the "SEA Program Guide".
96	22.52.2640.B Outdoor Lighting	LPurcell	Outdoor lighting in or adjacent to a SEA should be as minimally disruptive as possible as to type of lighting, color, brightness, etc.	This is the intent of these provisions.
97	22.52.2640.B Outdoor Lighting	Puente Hills Habitat Preservation Authority	Subsection B notes that "all outdoor lighting shall comply with the standards in Part 9 of Chapter 22.44": which refers to the Rural Outdoor Lighting District. Please add clarifying language indicating that these lighting standards shall apply even if the SEA is not located within the Rural Outdoor Lighting District.	It is our intent to apply the standards to all SEAs in our jurisdiction, please look at the wording in 22.52.2925 (Development Standards) to see if the current language is clearer.

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98	22.52.2640.B Outdoor Lighting	Santa Monica Mountains Conservancy	<p>Lighting: The Outdoor Lighting section (22.52.2640.B., p. 8) refers to Part 9 of Chapter 22.44, which is the Rural Outdoor Lighting District. The district includes valuable provisions such as:</p> <p>Purpose ... D. Minimizing adverse offsite impacts of outdoor lighting, such as light trespass.</p> <p>Outdoor lighting shall cause no unacceptable light trespass.</p> <p>Outdoor lighting shall be fully shielded.</p> <p>Additional specificity in this section would be useful to protect the unique resources within the SEAS by ensuring that ambient light is prevented from illuminating natural areas. Wildlife (e.g., mammals, amphibians, invertebrates, etc.) have been shown to be adversely affected by night lighting (For example, there was a conference entitled Ecological Consequences of Artificial Night Lighting, February 23-24, 2002, at Los Angeles, California hosted by The Urban Wildlands Group and University of California). For example, a standard in lumens could be set at 200 feet from the perimeter of the developed area. At the very least, we recommend adding the following text to protect the SEA resources:</p> <p>22.52.2640.B. Outdoor Lighting. Outdoor lighting within an SEA is only permitted in areas approved for development or ground disturbance. ALL outdoor lighting shall comply with the standards established in Part 9 of Chapter 22.44. <u>Lighting shall be minimized</u></p>	Thank you for your input. Drafts 3 and 4 require that outdoor lighting follow the standards of the Rural Outdoor Lighting District. See comment above (#97)
99	22.52.2640. C Fencing	BIA	<p>Sixth Issue: Proposed Section 22.52.2640, Subsection C Fencing. This section aims to protect wildlife and the proposals do not appear to meet the prescribed standards of the proposed Draft Ordinance. Problems: The elimination of the use of barbed wire appears extreme and arbitrary. Barbed wire currently serves as resource management for grazing livestock, etc. The proposed material changes will be infeasible not only for the private sector, but also for any conservation entity that will potentially maintain the open space. Permeable Fencing currently exists along hundreds of miles river corridor trails and no evidence is provided that indicates that this fencing is not working effectively or is endangering animals. Wildlife currently cross and pass through these areas freely and the restrictive design details provided in this Draft Ordinance will not work.</p>	Permeable Fencing would be allowed throughout the ordinance, not banned. Temporary fencing is permitted in the standards. Barbed wire is not prohibited in Draft 3 or Draft 4.
100	22.52.2640.C Fencing	Friends of Antelope Valley Open Space	Temporary wildlife impermeable fencing should be permitted for a limited length of time	Temporary Use Permits are granted with a limited time period for validity.
101	22.52.2640.C Fencing	Friends of Antelope Valley Open Space	Ideally, lot boundary lines would not have fencing. They really are not necessary for trails or roads. They should be discouraged, but if they are absolutely necessary, then vertical openings should be placed for ease of movement for large mammals.	Wild life fencing is optional, not required. This ordinance outlines which sorts of fencing can be safely used on parcel boundaries or trails without impeding species movement. These fencing standards are similar to those used in the Santa Monica Mountains North Area Community Standards District.
102	22.52.2640.C Fencing	Sierra Club Angeles Chapter	C. 1. - Wildlife Impermeable Fencing A project should not be able to isolate a population from connectivity. There should be requirements that the project proponent incorporated wildlife permeable fencing into enough of [Note original comment letter is missing end of this sentence too]	End of sentence is missing. Unclear what comment suggests. Wildlife impermeable fencing is only permitted around the built portions of a property, not on undisturbed natural areas.

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103	22.52.2640.D Construction	BIA	Seventh Issue: Proposed Section 22.52.2640, Subsection D Construction. Since compliance with the Migratory Bird Treaty Act and Fish and Game Code sections 3503 and 3513 are already required by law, there is no need to repeat these requirements in the Draft Ordinance. Including these requirements in the Draft Ordinance simply creates paper work, and, and potential ambiguity therefore, more delay and more expense. Problem: Planning and SEATAC are expanding their roles beyond the scope that is intended by the County. This is another example of redundant reviews by the County when other agencies and laws govern the issue.	This reference allows applicants to be informed of other provisions that our department and they must comply with. We use a similar method in many of our ordinances, such as referencing the Alcohol Beverage Control Agency and its permits in our Wineries Ordinance. This remind helps ensure that applicants and staff are forewarned of other regulations. It is intended to be helpful.
104	22.52.2640. E Fuel Modification	BIA	Eighth Issue: Proposed 22.52.2640, Subsection E Fuel Modification. Planning and SEATAC should not expand into determining structure locations as this is part of the overall approval process. Problems: Fuel Modification is reviewed and monitored by the Fire Department. Every development site has unique circumstances and should be appropriately planned by the Applicant's professional, licensed team of consultants and reviewed by the Planner, Fire Department and other appropriate governing agencies. SEATAC should not expand its role into determining structure locations as this is part of the overall approval process.	SEATAC does not determine project design. Planning staff is empowered to make determinations about appropriate siting for development. This regulation is intend to minimize the areas required for fuel modification on a parcel, when possible to do so safely. We defer to the Fire department on fire safety, please see response to the Fire Department in the General Ordinance section (#7) at the top of this spreadsheet.
105	22.52.2640.E Fuel Modification Areas	California Department of Fish and Wildlife	E.2: This section implies that fuel modification zones may include disturbed natural areas. Disturbed natural areas may provide habitat for special status species and support jurisdictional drainages and so should be evaluated on a case by case basis for planning purposes.	We defer to the Fire Department on issues of Fire safety. We also concur that there should be a discussion of appropriate fuel clearance on sensitive areas and will discuss this with the Fire Department- see comment response (#7) to the Fire Department in the General Ordinance section at the top of this spreadsheet.
106	22.52.2640.E Fuel Modification Areas	Friends of Antelope Valley Open Space	Page 9/29—Development that shares disturbed land footprint and, “if possible,” Fuel Modification Zones should not be given a pass. “If possible” is such an open-ended phrase, and could make anything “possible.”	Thank you for your input. There are instances where such sharing would be physically impossible. The determination of possible is at the discretion of the Department, and we have confidence that it will be implemented sparingly.
107	22.52.2640.E Fuel Modification Areas	Santa Monica Mountains Conservancy	Development Standards Fuel Modification Zones: Conservancy staff agrees with the provisions for fuel modification, including sharing zones with those already created and not locating fuel modification zones in dedicated open space areas (22.52.2640.E.). We also recommend the following text be added to encourage locating new development, such that new fuel modification zones overlap: <u>“Cluster new development such that proposed fuel modification zones overlap to the maximum extent feasible.”</u>	Thank you for your input. We have not made this change in Draft 4.
108	22.52.2640.F. Streets and Highways	County of Los Angeles Department of Public Works:	Public Works agrees with the proposed implementation of crossing points for the safe passage of species for the construction of new streets and highways, which bisects habitat linkages and wildlife corridors. However, the implementation of wilderness crossing points for the safe passage of species must be further discussed with Regional Planning staff to discuss the options to implement the safe passage.	We will add this to the agenda of items to discuss with public works in our outreach to our sister agencies.
109	22.52.2640.F. Streets and Highways	Friends of Antelope Valley Open Space	Streets and Highways should be designed to not bisect Habitat Linkages and Corridors; although I agree that improvements should be made to improve the movement of wildlife in areas where roadways exist	These regulations apply to the improvement of private streets. It is the intent to create a process where internal consultation can minimize bisections of SEAs. For new public streets 22.52.2955 (County Development Review Procedures) will apply in Draft 4. In Draft 3 the same section is under "22.52.2680 County Project Review".
110	22.52.2640.F. Streets and Highways	Puente Hills Habitat Preservation Authority	Subsection F notes that construction of new roads, or improvements to existing roads, bisecting habitat linkages or wildlife corridors shall include “wilderness crossing points for the safe passage of species.” The addition of this language is much appreciated. Please consider clarifying the language with the following substitution: “wildlife crossing structures to facilitate the movement of species.” Crossing points could possibly be misinterpreted as something as minor as installing a sign cautioning drivers to crossing wildlife which may help facilitate safe passage for a few fortunate animals would not promote connectivity between populations within and between SEAs.	Thank you for your input. We have changed the term to wildlife crossing structures in Draft 4. We welcome suggestions as to resources for wilderness crossing point designs, please see the accompanying SEA Program Guide that was released with Draft 4 of the SEA Ordinance.

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111	22.52.2640.F. Streets and Highways	Santa Monica Mountains Conservancy	<p>Streets and Highways: Conservancy staff agrees with the inclusion of development standards for streets and highways in terms of their impacts on habitat linkages and wildlife corridors (22.52.2640.F., p. 9). However, additional specificity is warranted to promote avoidance of impacts, to clarify the locations of habitat linkages and wildlife corridors, to ensure effective implementation, and to otherwise clarify the intent. The following changes should be made:</p> <p><u>Applicants shall demonstrate that alternatives have been thoroughly analyzed to avoid bisection & habitat linkages or wildlife corridors.</u> New streets or highways which bisect habitat linkages and wildlife corridors on the SEA Habitat Linkages and Wildlife Corridors Map (or otherwise scientifically justified to be a habitat linkage or wildlife corridor, if not shown on the current map) shall include construction of wilderness crossing points for the safe passage <u>wildlife crossing & structures to facilitate the movement of species.</u> Where improvements are made to a street or highway which bisects a previously existing habitat linkage or wildlife corridor, such improvements shall include features to restore the previously existing habitat linkage or wildlife corridor through the construction of <u>wilderness crossing points for the safe passage wildlife crossing structures to facilitate the movement of species.</u> <u>The applicant shall provide specific design standards on plans (e.g. existing and proposed locations of lighting and</u></p>	Thank you for your input. Please see previous two responses (#109 & 110) for more detailed response.
112	22.52.2640.F. Streets and Highways	Sierra Club Angeles Chapter	<p>Wherever wildlife could be impacted by newly added traffic, the speed limit should be lowered and wildlife crossing signs should be installed.</p> <p>I. - Wildlife Corridors. Wildlife corridors should not be narrowed at any point to less than 300 feet.</p>	Speed limits are not regulated by the DRP. We will discuss this with our sister agencies and partners at a program level, but it is unlikely that this regulation is within the scope of our ordinance.
113	22.52.2640.F. Streets and Highways	National Park Service: Santa Monica Mountains National Recreation Area	all references to "wilderness crossing points" should be revised to "wildlife crossing structures".	Thank you for your input. This language suggestion will be considered in Draft 4. See above response (#110) to the Puente Hills Habitat Authority on this issue.
114	22.52.2640.G Trees	BIA	<p>Ninth Issue: Proposed Section 22.52.2640, Subsection G Trees. As discussed under Subsection A, Landscaping, the list of "allowable" plant species has been reduced and severely limits tree planting choices. Tree Setbacks also appear to be arbitrary.</p> <p>Problems: Again, Invasive Species List should continue to be determined by the State, which has an extensive research and study program in place to determine what is invasive, sensitive and endangered. How is the County evaluating the entire eco-system for determining the new list? Under this new list, several trees including Willows are now protected. What is the definition of a mature tree? Where is the science fur setback requirements?</p>	See response to comments (#57-59) regarding the 22.52.2610.I SEA Design Manual for response to species list questions. Regarding tree maturity, we will attempt to clarify these questions in the subsequent draft. Specific indigenous tree species are called out for buffering protection as mature indigenous trees are a limited resource in the County's SEAs. Please note that for Draft 4 the "SEA Design Manual" has been renamed to "SEA Program Guide".
115	22.52.2640.H Habitat Linkages	BIA	Fourth Issue: Proposed Section 22.52-2640, Subsection H and I. There is no allowance for temporary encroachments into Corridors or Linkages. Problems: Temporary access may be required given certain site conditions or requirements and should be permitted with appropriate mitigation measures.	The ordinance does not provide for any temporary encroachments in the SEA, with the exception of fencing to protect habitat restoration. We will consider this note in the subsequent draft.

#	Section	Author	Comment	Response to Draft 3
116	22.52.2640.H Habitat Linkages	BIA	Tenth Issue: Proposed Section 22.52.2640, Subsection H Habitat Linkages are considered and established during the master planning of a development. There should be provisions to allow design and development with appropriate mitigation to create Habitat Linkages. Problems: The Habitat and Linkage Maps are not available. The 1,000 ft. metric is arbitrary as several habitat linkages currently exist that are substantially smaller and are used by wildlife. When expanded by 1,000 feet and also incorporate the Fuel Modification Zone the metric becomes overly burdensome.	The 1,000 linkage width is sourced from the recommendations on Page 30 of the SEA Update Study Background report (http://planning.lacounty.gov/sea/studies) which states, "A primary goal of any land use within SEAs should be to maintain high levels of connectivity between core habitat areas via a network of linkages and corridors, each of which should be no less than 1,000 feet wide." Please note in Draft 4, what was formerly called a linkage is renamed as a Connectivity Area.
117	22.52.2640.H Habitat Linkages	California Department of Fish and Wildlife	Wildlife linkage/corridors are poorly understood for many areas. Published information on known linkages and corridors should be considered a baseline from which to make planning decisions. However there needs to be a mechanism to include the latest current information that can be made available for adaptive management planning purposes in addition to use of an existing SEA Habitat Linkages and Wildlife Corridors Map that may not be revised for many years. This map should be updated annually and this should be a requirement in the SEA Ordinance.	See Comment #62 for discussion of the Draft 3 habitat linkages map methodology. It is intended that this map will update regularly as new Developed Areas are added to the map. Please note, in Draft 4, the Linkages and Corridors Map is renamed as the Connectivity and Constriction Areas Map.
118	22.52.2640.H Habitat Linkages	California Department of Fish and Wildlife	There should be provisions to prevent the encroachment of light, noise or other disturbances that would reduce the function of a habitat linkage.	Light encroachment is addressed in the development standards with the linkage to the Rural Outdoor Lighting Standards. Noise encroachment is regulated by the health department.
119	22.52.2640.H Habitat Linkages	Puente Hills Habitat Preservation Authority	Subsection H notes that new ground disturbances may not encroach upon a habitat linkage, whereas encroachment is defined as resulting in the narrowing of the habitat linkage width to fewer than 1:000 feet. Please include a written and illustrative definition of "habitat linkage" in the SEA Ordinance.. We look forward to seeing the SEA Habitat Linkages and Wildlife Corridors Map when it is available for review on the Department's GIS-NET3. Similarly, subsection I notes that encroachments cannot result in the narrowing of a wildlife corridor to fewer than 200 feet. Please also include a written and illustrative definition of "wildlife corridor" and a justification for the minimum width of 200 feet.	The SEA Connectivity and Constriction Map is in development (see comment # 62) and examples of the methodology will be available online shortly.
120	22.52.2640.H Habitat Linkages	Santa Monica Mountains Conservancy	Habitat Linkages and Wildlife Corridors: We appreciate the intent of the text regarding habitat linkages and wildlife corridors which states that new ground disturbances may not encroach upon a habitat Linkage or wildlife corridor (22.52.2640.H. and I.). We appreciate that the County suggests a clear standard (maintain a width of 1,000 feet for habitat linkage and 200 feet for a wildlife corridor). However, in practice, we anticipate that there will be many circumstances that can complicate efforts to meaningfully protect a habitat linkage or wildlife corridor (e.g., the degree of existing habitat disturbance, the configuration/locations of the habitats, the amount of urbanization/development adjacent to a wildlife corridor, the specific wildlife species that the County intends to protect, etc.). The following text should be added to 22.52.2640. Development Standards. H. Habitat Linkages and Wildlife Corridors (p. 10): <u>The applicant must demonstrate that the portion of the wildlife corridor and/or habitat linkage provided onsite and remaining offsite wildlife corridor and/or habitat linkage, will function in a comparable manner (i.e. not significantly diminished in function) pre- and post- project construction and implementation.</u>	Thank you for your input. This standard has not been added to Draft 4.

#	Section	Author	Comment	Response to Draft 3
121	22.52.2640.H Habitat Linkages	National Park Service: Santa Monica Mountains National Recreation Area	Item H, Habitat Linkages, prohibits encroachment into the linkage, as defined when the width of the existing linkage would be reduced to less than 1,000 feet at any point along the habitat linkage. Similarly, Item I, Wildlife Corridors, prohibits encroachment as defined when the width of the wildlife corridor would be reduced to less than 200 feet at any point along the corridor. We thank the County for incorporating wildlife habitat connectivity into the development standards. This new addition to the standards for protecting natural resources is welcome and reflects a considerable new body of scientific research concerning the impacts of habitat fragmentation, much of which study has occurred since the original SEA Ordinance was adopted in 1982. NPS scientists at Santa Monica Mountains National Recreation Area have extensively studied wildlife movement and the size of large carnivores' home range needs. NPS recommends habitat linkages not be constricted to less than 3,000 feet at any particular point. It is difficult to provide more specific comments or flexibility in the width without having definitions for habitat linkages and wildlife corridors that would give context to evaluating width thresholds. Also, the forthcoming Habitat Linkages and Developed and Disturbed Areas maps would provide more information upon which to evaluate the thresholds. NPS judges a constriction of 1,000 feet to be narrow for a habitat linkage.	Thank you for your suggestions of an alternate threshold. Is the 3,000 ft linkage recommendation is recommended across the board or specifically in the Santa Monica Mountains? Our standards derive from the recommendations of the 2000 SEA Update Study Background Report available online.
122	22.52.2640.I Wildlife corridors	BIA	Eleventh Issue: Proposed Section 22.52.2640, Subsection I. The same issues and problems related to Habitat Linkages exists with Wildlife Corridors. A 200 ft. metric is arbitrary especially when including required Fuel Modification Zone.	See above response (#116) to the BIA regarding 22.52.2640.H Habitat Linkages. Please note in Draft 4, the map has been renamed to the Connectivity and Constriction Map.
123	22.52.2640.I Wildlife corridors	BIA	Twelfth Issue: Proposed Section 22.52-2640, Subsection H., I. and J. Neither the "SEA Design Manual" nor the detailed "SEA Habitat Linkages and Wildlife Corridors Map" has been published. It is crucial to the effective operation of the ordinance to establish feasible standards within the Design Manual and Maps that can be applied according to the varying requirements of different sites and species. All Maps and documents (Design Manual) referenced in the draft ordinance should be reviewed and approved by the decision making body (RPCIBOS)	All maps and supportive materials will be available by the time of public hearing. Staff is working to ensure that all documents will be available in the next release of the draft ordinance, however some supporting materials were not scheduled to be developed until the conceptual outline of the ordinance was finalized and input was received, in order to ensure that the concepts behind the supportive materials were sound. The Connectivity and Constriction Map is still undergoing revisions prior to public release and should be available shortly after the ordinance release package in full.
124	22.52.2640.I Wildlife corridors	BIA	Problems: The "Wildlife Movement" section at page 185 of the SEA Description emphasizes movement of large carnivores and mule deer, while the "Vegetation" section on page 181 broadly discusses the "exchange of genetic material" for plants and animals with no other detail. Different species have distinct habitat requirements, and conditions necessary to achieve functional exchange vary widely based on species type, available habitat, and other site-specific conditions such as topography, water availability, current presence or absence, frequency of use, etc. A realistic view of these processes needs to be included in the design standards, with flexibility to tailor corridor size and habitat design to site- and species-specific conditions.	We are unsure which SEA description is being referred to, in which document. Please clarify- each SEA has an individual SEA description and each draft of the LA County General Plan has different pagination. All the existing SEA Description and current drafts can be found online at: http://planning.lacounty.gov/sea/biological
125	22.52.2640.I Wildlife, Corridors	California Department of Fish and Wildlife	A 300 foot width for a wildlife corridor is not adequate for many species. Where did this number come from? 1000 feet should be the minimum width for a wildlife corridor or at least quantify (using best available science on this subject) on a case by case basis depending on what species are expected to utilize the corridor.	The 200 foot width for corridors was created using the recommendations from Page 30 of the 2000 SEA Update Study Background Report (http://planning.lacounty.gov/sea/studies), which identified linkages as being larger than corridors and recommend 1,000 ft as a minimum linkage width. Thank you for your notes, we will consider potential changes to the recommended width during our revision process. Please note that in Draft 4 the map and designations have been renamed to the Connectivity and Constriction Map.
126	22.52.2640.J Species	California Department of Fish and Wildlife	This is not scientifically defensible. This should be species specific.	Thank you for you input. The species standards from Draft 3 have been replaced with Habitat Preservation Areas n Draft 4- which requires the preservation of natural open space in ratios based on the habitat type to be developed. Please see 22.52.2925 Development Standards in Draft 4 to see if the changes address some of your concerns.

#	Section	Author	Comment	Response to Draft 3
127	22.52.2640.J Species	Puente Hills Habitat Preservation Authority	Subsection J includes requirements for activities that may affect special status species. Please consider the following revised language for clarification (new text <u>in underline</u> , deleted text in strikeout): “When any ground disturbance, use, or project may encroach upon a <u>an individual</u> of <u>or habitat</u> For a likely to occur species of special status identified in the SEA’S Description in the General Plan <u>and/or</u> discovered during the biologist site visit required by Section 22.52.2650.B.1, such ground disturbance, use or project shall not impact an area of exceeding 50 <u>10</u> percent of the habitat area for the species of special status on the lot or parcel of land.” Changes in the first part of the sentence are suggested to clarify that encroachments could occur to individuals or habitat, and that special status species other than those identified in the SEA’S Description could be discovered by the biologist. The change in the last part of the sentence, from 50 to 10 percent, represents a more conservative approach and would reduce the threshold for requiring a Conditional Use Permit. Depending on the species or size of the parcel, removal of half of the habitat for a special status species could threaten the viability of a population on that parcel or even within the SEA, and should require additional analysis.	Please see the previous comment (#126)
128	22.52.2640.J Species	Conservation Biology Institute	Item “J” says that impacts to species should not exceed 50% of the population in the SEA. The 50% limit is not relevant. Rather, the analysis should consider the regional importance of that species population. For example, is this the largest population? Central to genetic connectivity? A genetically distinct population? The only population?	Please see comment (#126)
129	22.52.2640.J Species	Friends of Antelope Valley Open Space	Page 10/29—Please add <u>and/or</u> : “When any ground disturbance, use, or project may encroach upon a likely to occur species of special status identified in the SEA’s Description in the General Plan <u>and/or</u> discovered during the biologist site visit required by Section 22.52.2650.B.1, such ground disturbance, use or project shall not impact an area exceeding 50 percent of the habitat area for the species of special status on the lot or parcel of land. Also, how is this number of 50 percent arrived at? How would CEQA apply, or how would the CDFW or USFWS treat this encroachment?”	Please see comment (#126)
130	22.52.2640.J Species	L.Purcell	For species of special status, up to 50% of their habitat can be impacted by a project, per the Draft. What is the scientific basis for such an opinion? Should different species have different requirements	Please see comment (#126)
131	22.52.2640.J Species	National Park Service: Santa Monica Mountains National Recreation Area	Item J, Species, limits ground disturbance to no more than 50% of the habitat for a species of special status identified in the particular SEA’s description in the General Plan, or 50% of the parcel of land. Similar to our comments for the definition of an SEA, we find the assignment of maximum ground disturbance tied only to species of special status to be limiting, and possibly may defeat the SEA program’s goal to preserve biological diversity. We also find that a strict percentage for ground disturbance would not allow flexibility to address particular circumstances surrounding the presence of a sensitive species discovered at a project site. NPS suggests revising this development standard to build in flexibility for the kind of species discovered, the size of the parcel, the distribution of the species within the region, and similar factors that could affect thresholds for allowable ground disturbance.	Please see comment (#126)
132	22.52.2640.K Water Resources	California Department of Fish and Wildlife	K.1 Include wetlands such as springs, seeps, ponds, lakes as water resource.	These are included in Draft 4.

#	Section	Author	Comment	Response to Draft 3
133	22.52.2640.K Water Resources	California Department of Fish and Wildlife	K.1.3(b) Buffer widths as proposed should be minimum and determined on a case by case basis based upon available cited scientific literature, special status species' needs, and type of proposed development and land use stressors. Buffers should be measured from the outer edge of the vegetative community influenced by the water source regardless of vegetation type or from the outer edge of the saturated soil, whichever is greater.	We cannot include case by case determinations for ministerial review, please see comment response (# 89) above to the BIA regarding 22.52.2640 Development Standards.
134	22.52.2640.K Water Resources	California Department of Fish and Wildlife	Section K.3.(C): Buffer widths as proposed should be minimum and determined on a case by case basis based upon best available scientific literature, special status species' needs, and type of proposed development and land use stressors. Buffers should be measured from the outer edge of: the saturation zone; the vegetative community influenced by the water source regardless of vegetation type; of the banks created by past high water events, whichever is wider. For floodplains supporting braided channels, buffers should be calculated from the outer edge of: the vegetative community influenced by the water source regardless of vegetation type; the outermost banks of braided channels within the floodplain; or the saturation zone, which ever is greater.	See response (#89).
135	22.52.2640.K Water Resources	Conservation Biology Institute	Consideration of water resources appears to apply only within the SEA. Rather, the analysis should consider projects adjacent to or upstream of an SEA, thus addressing indirect impacts to the SEA from projects outside the SEA.	Please see our comments regarding regulation on impacts which occur outside the SEAs, particularly our response to Lpurcell (#16) in the Ordinance, General comments at the top of the spreadsheet.
136	22.52.2640.K Water Resources	County Sanitation Districts	The Districts suggest the following revision "The applicant shall demonstrate to the satisfaction of the Department of Regional Planning that <u>appropriate best management practices (BMPs) will be implemented to control runoff</u> created by the ground disturbance, use or project will not materially affect to mitigate its effects on water resources located on the lot or parcel of land and on adjoining lots or parcels of land, as identified during the biologist site visit required by Section 22.52.2650.B.1 and on the map required by subsection K.I above, either by increasing or diminishing the supply of natural watercourses or by adding pollutants. " The term "materially affect" could be interpreted as such a high standard that development would essentially be prohibited. Similarly, the word "pollutant" is often very broadly interpreted and sometimes includes soil which naturally occurs from erosion and cannot be entirely eliminated.	Thank you for your input. The language has been changed in Draft 4 to remove the term materially affect. Please refer to the Water Resources subsection of 22.52.2925 (Development Standards) in Draft 4 to see the new wording.
137	22.52.2640.K Water Resources	Friends of Antelope Valley Open Space	Page 11/29—Would ordinances protect water resources by requiring ongoing testing during the life of the project? How does the water resource size bear relation to its propensity to become affected by development? Is it logical that the smaller the water resource, the less affected it would be? Setbacks should be uniformly 300 feet.	Ministerial projects would not require ongoing testing or review. Conditional Use Permits might be required to do testing as a mitigation measure under their EIR or Mitigated Negative Declaration for their CEQA documents. Thank you for your notes on setback uniformity, our setbacks are sourced from the 2000 SEA Update Study Background Report.
138	22.52.2640.K Water Resources	L.Purcell	As to protection of water resources, use of rodenticides, herbicides, and pesticides in SEAs or adjacent and nearby areas could have significant effects from run-off and blowing in dry weather. What is the rationale for the differing setbacks for various water bodies?	These setback numbers can be found on Page 35 of the 2000 SEA Update Study Background Report (http://planning.lacounty.gov/sea/studies). For a response to the issue of pesticides please see response (#15) to L Purcell in the Ordinance, General comments at the top of the spreadsheet.
139	22.52.2640 K.1 Water Resources	BIA	Third Issue: Subsection K. 1 requires the applicant to map water resources on adjoining parcels of land. Problem: Applicants should not be required to map and evaluate watercourses or resources on adjoining properties beyond publically available information.	Publicly available information and a site visit would most likely be used to determine water resources. We will check how this map is currently provided as a map of all drainage patterns, and watercourses is currently required for both SEA and Hillside Management Areas applications and we would generally defer to using the current process when there is an established one.

#	Section	Author	Comment	Response to Draft 3
140	22.52.2640 K.3 Water Resources	BIA	Second Issue: Subsection K. 3, Water Resources, contains multiple problems, which, at the very least, need to be addressed. For example, proposed Section 22.52.2640, Subsection K. 3, requires the identification of "water resources" on the lot or parcel of land and on any adjoining lots or parcels of land in order to "adequately setback all such water resources from any ground disturbance or use. Once identified, the applicant must demonstrate to the satisfaction of the Department of Regional Planning that runoff created by the ground disturbance, use, or project "will not materially affect" said water resources, either by "increasing or diminishing the supply of natural water courses or by adding pollutants." At the same time, the proposed ordinance establishes mandatory setbacks of all water resources from any ground disturbance or use, and the setbacks range from 75-300 feet, depending on the type and size of the resource. (See Draft Ordinance, pages 11-12.)	Thank you for your input. The language has been changed in Draft 4 to remove the term materially affect. Please refer to the Water Resources subsection of 22.52.2925 (Development Standards) in Draft 4 to see the new wording.
141	22.52.2640 K.3 Water Resources	BIA	Problems: 1. There is no definition of the term "water resources." At times, the proposed ordinance refers to such water resources as "all natural watercourses," but includes "artificial drains or conduits for the drainage of stormwater" in the narrative description. At other times, the proposed ordinance identifies three types of so-called watercourses, namely, "vernal pools;" "marshes, seeps, and springs;" and "riparian resources." 2. In addition, significant ambiguity and confusion is created in the standards employed.	Water resources are defined in Draft 4 under 22.52.2905 (Definitions), and additional information is given in the accompanying SEA Program Guide.
142	22.52.2640 K.3 Water Resources	BIA	The proposed ordinance requires that the applicant demonstrate to the satisfaction of the Department of Regional Planning that runoff created by the ground disturbance, use, or project, "will not materially affect water resources, either by increasing or diminishing the supply of presumably surface water to the "natural" watercourses or by adding pollutants. If this standard is met, then there should be no mandatory setback requirements. However, the proposed ordinance goes on to then require mandatory setbacks for certain water-related resources (vernal pools, marshes, seeps, and springs) - whether or not the applicant previously satisfied the Department's runoff requirement. In short, if the applicant has satisfied the Department's runoff requirement, there will be no "material affect" on said water resources; and, therefore, no setback requirement.	Please see comment (#137 and #140).
143	22.52.2640 K.3 Water Resources	BIA	3. The criteria for setback from "the edge of saturated soil" should be changed using accepted wetland definitions and methods such as the U.S. Army Corps of Engineers (Corps) Arid West Supplement Version 2.0.	Information on how water resources will be measured is given in the accompanying SEA Program Guide and references the Arid West Supplement.
144	22.52.2640 K.3 Water Resources	BIA	4. The Term "Wet Year" should be defined in accordance with accepted standards such as the U.S. Army Corps of Engineers "Wets" Tables and associated methodology. Otherwise it adds additional duplicative layers of both definitions and methodologies to well-defined state (CDFW and RWQCB) and federal (Corps) regulations that already provide ample protection for aquatic resources. (CDFW and RWQCB) and federal (Corps) regulations that already provide ample protection for aquatic resources.	Thank you for your input. Please see previous comment (#143)

#	Section	Author	Comment	Response to Draft 3
145	22.52.2640 K.3 Water Resources	BIA	5. Further, the "materially affect" standard is vague and ambiguous. First, it is not clear from the proposed ordinance whether the "materially affect" standard is triggered by increasing or diminishing the supply of surface water to the natural watercourses. Second, it is not clear how the "materially affect" standard would be met in terms of the "adding pollutants" criterion. To measure whether the ground disturbance activities will "materially affect" said water resources, the applicant will need to know the pre-project, existing baseline "pollutants" in the flow within the natural watercourse. Complicating the problem, the term "pollutants" is not defined. Additionally, does any addition to existing "pollutants" result in a "materially affect" finding by the Department? Pollutants standards should not exceed the standards set forth by the Los Angeles Regional Water Quality Control Board who should be the agency setting policy and addressing pollutants.	Please see comment (#136).
146	22.52.2640 K.3 Water Resources	BIA	6. Moreover, mandatory setback requirements are imposed irrespective of site conditions or "material affects" on said water resources. At this point in the ordinance process, a biologist visit has been conducted and the applicant has prepared a map identifying said water resources. Additionally, the applicant presumably has demonstrated to the satisfaction of the Department of Regional Planning that runoff created by the ground disturbance activities will not materially affect said water resources. Nonetheless, the proposed ordinance would still require mandatory setbacks even though the project documentation does not show that the ground disturbance activities will "materially affect" said water resources. For the reasons stated above, the mandatory setbacks are arbitrary and capricious. At this point in the ordinance process, the Department should be informed by the biologist visit and the mapping of said water resources. The Department also should be informed by the proposed ground disturbance activities in relation to said water resources. However, this project information should not be used to develop appropriate site-specific setbacks, if needed.	The mandatory setback numbers are sourced from the Page 35 of the SEA Update Study Background Report (http://planning.lacounty.gov/sea/studies). Please see our response to the CA Dept. of Fish and Wildlife in 22.52.2640.K Water Resources (#133 & 89).
147	22.52.2640 K.3 Water Resources	BIA	7. Lastly, since compliance with the requirements of the Clean Water Act is mandatory, no setbacks are required to achieve the goals inherent in these requirements of controlling runoff and avoiding pollution of water resources. There is no need for the County to add another layer of regulation through this SEA Ordinance on top of the regulations already imposed by the Regional Water Quality Control Board and the County's Department of Public Works.	Please see comments #26 and 28 regarding the empowerment of local government to create additional regulations specifically to address local land use issues. The existence of a federal or state regulation does not preclude the right of local jurisdictions to establish these regulations.
148	22.52.2640.K.3 Water Resources	Puente Hills Habitat Preservation Authority	Subsection K, 3a states that the setback requirement for vernal pools is 150 feet. To protect the watershed and uplands that provide habitat for amphibians, reptiles and vernal pool plant pollinators, consider increasing the buffer distance to 250 feet. Finally, we suggest adding an additional standard, which would require that structures be clustered as close as possible to other existing structures and be located as close as possible to existing roads in an effort to reduce fragmentation and edge effects.	Thank you for your suggested standard. Our standards are based on numbers found on Page 35 of the SEA Update Study Background Report (http://planning.lacounty.gov/sea/studies). For differing standards suggestion any source material that can be supplied to support suggestions will be welcomed.
149	22.52.2640.K.3.C	County of Los Angeles Department of Public Works:	"If the watercourse is greater than 100 feet wide in a wet year, the setback shall be 300 feet as measured from the outer edge of riparian habitat on each side of the watercourse."	Noted. The water resources section in Draft 4 has been reformatted. Please refer to 22.52.2925 of Draft 4.

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150	22.52.2640.K.3.C	National Park Service: Santa Monica Mountains National Recreation Area	Item K.3.c, Riparian Resources, assigns a setback of 75 feet from the outer edge of riparian habitat for watercourses that are less than 50 feet wide in a wet year. NPS understands the SEA Ordinance applies to the entire County. However, we find it would be reasonable and more consistent for landowner understanding if the setback were 100 feet from the outer edge of riparian habitat to be consistent with the setback definition typical of lands within the Coastal Zone. It is unclear how the 75-foot setback was selected. Studies have found a 100-foot buffer to be the minimum necessary to protect water quality, and 300 feet to protect wildlife habitat (Wenger, 1999; Lowerance, et al., 1988).	Thank you for your suggested standard. Our standards are based on numbers found on Page 35 of the SEA Update Study Background Report (http://planning.lacounty.gov/sea/studies). We appreciate the provision of contrasting sources and we will look into the suggestion.
151	22.52.2650 Permitted Uses.	California Department of Fish and Wildlife	Section A. 2 .See comment above for 22.52.2610 Definitions, Section H:"Disturbed areas may have high biological value. This map should not imply lesser ecological value without a case by case evaluation of the habitat quality by SEATAC. "	A. 2 .See response (#53) for 22.52.2610 Definitions, Section H.
152	22.52.2650 Permitted Uses.	M.Davidheiser	only allows single-family residences, accessory buildings, and additions except for certain pre-approved projects. It does not list any kind of agriculture as a permitted use, even if the property is zoned Agricultural and even though 2670.C.1.d mentions a type of agriculture that appears to be acceptable. I believe the ordinance should be worded to make it clear that low-impact agricultural uses are allowed if the land is zoned Agricultural.	Existing agricultural uses are mapped as Agricultural Developed Areas on the publicly available SEA Development Map on our GIS Net web mapping application. New agricultural uses would be subject to the same review process as any other SEA CUP use.
153	22.52.2650 Permitted Uses.	M.Davidheiser	For the sake of clarity, 2650 should refer to 2670.C, which lists conditions where an SEA CUP is required even for a permitted use	We do not understand this comment. These two sections are not related.
154	22.52.2650 Permitted Uses.	Santa Monica Mountains Conservancy	As the SEA Ordinance is proposed, a single-family home in a SEA is a Permitted Use, not requiring a SEA CUP (22.52.2650.A.1.; pp. 12-14). Conservancy staff believes in some cases, a proposed single-family home may warrant greater scrutiny due to its location, anticipated level of impacts, etc. For example, locating a single-family home in the middle of a wildlife corridor chokepoint could have disastrous consequences. Rather than a blanket provision allowing all single-family homes as a Permitted Use without a SEA CUP, there should be a provision in the SEA Ordinance to require a SEA CUP in certain cases. The following underlined text should be added to Section 22.52.2650. Permitted Uses (p. 12): 22.52.2650.A. The following uses are permitted, provided that a Site Plan Review application is approved pursuant to subsection B below: 1. Individual single-family residences, accessory structures, and additions to individual single-family residences and accessory structures, including all related ground disturbance, on one lot or parcel of land and subject to all applicable development standards of Section 22.52.2640, provided that the single-family home meets all of the following criteria: <u>a. is not located in a critical location of the SEA. including a wildlife movement chokepoint;</u> <u>b. results in less than 1,000 cubic yards of grading and less than 5,000 square feet of surface area grading; and</u> <u>c. the cumulative floor area of the single-family home and all accessory structures does not exceed 4,000 square feet: ...</u>	The current SEA Ordinance exempts all single family residences (SFR) from the SEA CUP. The proposed ordinance would move away from a complete exemption to a ministerial permitting requirement which requires an applicant be able to meet all of the design standards in order to proceed without an SEA CUP. Draft 4 Development Standards apply to all new Single Family Residences in SEAs, however there is no current maximum grading standard or size limit. Conservation requirements are instead tied to the type of habitat present at the site- requiring that similar habitat types be set aside on the parcel.
155				
156	22.52.2650.A	California Department of Fish and Wildlife	Page 13, Section A.3. and A.4. explains that previously approved projects with expired permits will be subject to Section 22.52.2640; Comment: Please explain further what Section 22.52.2640 conditions. If the new proposed SEA Ordinance standards are more protective to biological resources will projects previously approved with expired permits be head to a lesser standard?	When a CUP expires at the end of its permitted time limit, a person wishing to continue the use must reapply to the DRP as a new application, which would trigger the application of an SEA CUP. This standard is intended to grandfather these re-applications for substantially similar uses. This would still require that the CUP go through the permitting for the specific use, and the CEQA requirements that would apply. The time limit on returning with an expired CUP for the same use is 2 years. Note, in Draft 4, the section of reference for this standard is 22.52.29.15 (Permitted Uses).

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157	22.52.2650.A	Friends of Antelope Valley Open Space	Page 13/29—There should be no allowance for expired Variances, CUPs, modifications, etc. There should be review, as mentioned above for Exemptions, since changes can occur during expiration of permits that may include special status species. For example: A rare botanical species may emerge, or even reemerge on a site, due to weather conditions that were not present during the first review and permit process.	See previous comment (#156).
158	22.52.2650.A	Puente Hills Habitat Preservation Authority	Subsection A.2 allows for uses or projects located within developed or disturbed areas identified in the SEA Developed or Disturbed Areas Map. However, based upon a review of the Proposed Disturbed/Developed Areas available through the Department's CIS-NET3, many of these mapped areas in the proposed Puente Hills SEA appear to be incorrect. Some existing fuel modification zones are mapped, and others are missing. Since fuel modification practices are exempt activities, please remove from the map all fuel modification areas that are identified as disturbed/developed that are on Habitat Authority properties. Since the Habitat Authority will not be allowing expansion of development activities within fuel modification zones on lands managed/owned, this layer on the map needs to be adjusted. See attached comments. In addition, many of the Authority's and County's trails (which are shown as disturbed/developed on the map) within the Habitat Authority's Preserve are missing or incorrect (e.g. the Coyote, Ahwingna, Puma, and Native Oak trails all are missing from the map in Hacienda Hills). The Habitat Authority would be happy to share its trails GIS layer, and to work with the Department to create an accurate map of disturbed/developed areas and trails. Subsection A.3 and A.4 allow for expired projects that are deemed fundamentally similar	Per conversations conducted with staff at your agency, we invite you to contact us if you wish to have a modification to your Developed Areas. Please check our GIS NET web mapping application (http://planning.lacounty.gov/gisnet3) to examine the Developed Areas for your parcels. Please see response regarding expired permits above in response to the CA Dept of Fish and Wildlife (#156). Regarding ongoing activities on conservancy lands which are intended to improve the quality of the habitat please see our listed exemptions in 22.52.2910 (Applicability), in Draft 4 and we will consider further how we may ensure that conservation organizations may be best allowed to conduct biological maintenance activities in SEAs.
159	22.52.2650.A	National Park Service: Santa Monica Mountains National Recreation Area	Item A.1 would allow review of individual single family residences under a Site Plan Review, which would preclude external public review. The selection of a Site Plan Review or a CUP as the appropriate permitting path should be based on the location, size, and access needs of a proposed residence. Current patterns of parkland ownership and existing development have placed remaining developable private lands in remote locations that would have considerable potential to impact habitat connectivity and introduce edge effects in an otherwise intact natural area. Item A.3 would allow Site Plan Review of proposed uses with previously issued, but now expired, entitlements for a similar kind of new project. NPS finds that, without knowledge of the state of scientific knowledge at the time of the original entitlement review, i.e. of the site's resources or how resources may be impacted, and how the previously entitled project was either implemented or not, natural resources within the SEA would be at risk of loss. We suggest this category of expired entitlements be placed in potentially either the Type A or B CUP requirement. Open Space Dedications: 22.52.2670	See responses above to the Santa Monica Mountains Conservancy (#154) on 22.52.2650 Permitted Uses. Regarding expired permits please see response (#156) to the CA Dept of Fish and Wildlife regarding 22.52.2650.A
160	22.52.2650 Permitted Uses - Subsection B.I, Biologist Site Visit	BIA	Issue: Proposed Section 22.52.2650 B.I., identifies a required "biologist site visit" as part of the County's Site Plan Review process. The issue centers on the proposed requirement that the biologist site visit be conducted by a "Department of Regional Planning staff biologist." Problems: It is neither reasonable nor feasible for a "Department of Regional Planning staff biologist" to conduct the site visit required by Section 22.52.2650 B.1. First, the site visit requires an assessment of both the "location of biological resources and physical conditions prior to approval of the Site Plan Review application." Second, the site visit must include an "appraisal of habitat types, observed where likely to occur species identified in the SEA's description in the General Plan, location of tree species, and identification of water resources," which presumably includes natural watercourses, artificial drains or conduits for the drainage of storm water, vernal pools, marshes/seeps/springs, and riparian resources. In short, a County staff biologist cannot reasonably perform the site visit assessment work required by the proposed ordinance, particularly for larger sites. It simply requires too much site work for the existing County staff biologist(s). In addition, because the work cannot reasonably or feasibly be	The requirement that our staff conduct the site visit is intended to save costs for applicants, by helping to subsidize the cost of biological inspection as part of the permit instead of requiring that they hire a more expensive private consultant. We have consulted with our staff biologists and as they routinely conduct site visits for many current permits, they estimate that the average site visit will be within their capacity. On average such site visits routinely last one or two hours and in many cases are done to follow up on information submitted by the applicant. The suggestion that our staff inspect the site places the inspection burden on our department- it is our obligation to find the resources we are seeking and we believe this approach will least burden applicants in costs and time.

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161	22.52.2650.B	California Department of Fish and Wildlife	This section should be consistent with the California Environmental Quality Act guidelines that address significance determinations for projects subject to CEQA. Adverse project impacts to State and Federally Threatened or Endangered and/or Candidate species and state fully protected species are considered significant under CEQA (CEQA Guidelines Sections 15380(b)(c)). CEQA provides protection not only for state and federally listed species, but for any species including but not limited to California Species of Special Concern and plant species which can be shown to meet the criteria for State or Federal listing (CEQA Guidelines Sections 15380 (d), 15065 (a)). This includes Lists 1A, 1B and 2 of the California Native Plant Society Inventory of Rare and Endangered Vascular Plants of California. Those lists consist of plants that, in a majority of cases, would qualify for listing.	Draft 4 has more clearly established that our SEA programs specifically focus on preserving habitat of importance to the SEA program. In the course of such objective it is anticipated that this approach will generally overlap with protection of the areas inhabited by state and federal species. The presence of a species of import to CEQA or state and federal listings will be reported and dealt with through those processes, however our ordinance is intended to meet a different, if generally overlapping objective when compared against CEQA guidelines.
162	22.52.2650.B. Site Plan Review	California Department of Fish and Wildlife	This section should also be consistent with the draft SEA Ordinance in section 22.52.2670 SEA Conditional Use Permit Review, C.1.© SEA CUP Criteria which states “The project or the construction activities accompanying the project may result in adverse effects to species listed in the SEA’s description in the General Plan, or to species identified as candidate, sensitive, or special status species by the California Department of Fish and Game or the United States Fish and Wildlife Service;”. The California Department of Fish and Wildlife considers California species of special concern as special status species.”	Noted, we will work to improve draft consistency.
163	22.52.2650.B. Site Plan Review	Friends of Antelope Valley Open Space	Page 14/29—It is unclear whether a special status species must be “discovered” or observed, or the potential to exist on a project is adequate to trigger a requirement to CUP, or review by State and/or Federal agencies. If they must be physically observed by a County biologist, how will one site visit provide adequate evidence, especially if the species in question occur in a season other than that in which the site is visited?	Draft 4 has changed this requirement to preservation of habitat type instead of relying on a more complex assessment of species presence. Habitat Type is simpler to establish and conserve. Please look to Habitat Preservation Areas subsection of 22.52.2925 (Development Standards).
164	22.52.2650.B. Site Plan Review	Friends of Antelope Valley Open Space	Page 15/29—Relating to the last item, must a species be observed, discovered by the biologist at the site visit, in order to trigger a SEA CUP? There seems to be inconsistency between several items that state special status species occurring or even the potential to occur would trigger more elaborate review, and those that must be observed by the biologist.	See previous comment (#163)
	22.52.2660 Uses Subject to SEA Conditional Use Permit.			
165	22.52.2660.A	California Department of Fish and Wildlife	Comment: Why was the threshold set at two or more parcels? A single-family home built on one parcel that supports special status species, water resources, or a threatened vegetative communities would not be subject to a SEA Conditional Use Permit. That could lead to a cumulative impact to the SEA degradation over time and should be discouraged	Please see previous responses regarding SFRs and their permitting process (#154), response to Santa Monica Mountains Conservancy on 22.52.2650 Permitted Uses.
166	22.52.2660.B	M.Davidheiser	A. Ground disturbance, use or project not otherwise permitted by ...2630 (and 2650?-- we seem to be going around in circles.) Question: What is a “coordinated effort”?	Coordinated effort is when multiple individual parcels are proposed for development in a manner that functions and should be considered one project.
167	22.52.2660.C	BIA	Issue: Subsection C requires a SEA CUP for any disturbance that "...may encroach upon an observed species of special status identified in the SEA's description". Problems: Lacking a definitive threshold for the term "may encroach upon" the only activities that could be conducted without a CUP would appear to be those that do not disturb the surface or those that can definitively prove they will have no effect on any of the 90 or so species of special status identified within the SEA Description. It is hard to imagine how an applicant could "prove the negative" to meet this standard. As a result, it seems plain that all activities will require an SEA CUP, except for the few exempt uses allowed under the draft ordinance.	This point is noted. Please see comments (#126, 161 & 163)

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	22.52.2670 SEA Conditional Use Permit Review.			
168	22.52.2670.A	BIA	Issue: Proposed Section 22.52.2670, Subsection A, requires completion of an "initial project appraisal" for all projects before a complete SEA CUP application may be submitted to the Department of Regional Planning. The initial project appraisal process includes the submittal of specified information and a preliminary review meeting with a Department of Regional Planning staff biologist and a Department of Regional Planning staff planner "to discuss conceptual information regarding the prospective ground disturbance, use or project." (See Draft Ordinance, pages 15-16.) Problems: For Type B projects, which will undergo substantial review by SEATAC, Section 22.52.2670 imposes an unnecessary duplicative layer of review. Additionally, Section 22.52.2670 imposes no time limits on review by the staff biologist and planner and, as a result, the initial project appraisal could potentially conflict with the Permit Streamlining Act.	Initial project appraisals are completed prior to application for permits. It is an initial consultation required to ensure that an applicant understands the process and the likely outcomes. It is similar in nature to the existing voluntary "one stop" consultation for development that brings in fire, public works and DRP staff to consult prior to submittal of plans in order to ensure that projects are designed feasibly and prevent later changes. This consultation will allow an applicant to understand the scope of the SEA CUP prior to submitting a formal CUP application. We anticipate that initial project appraisals will assist the applicant in undergoing a more streamlined permit process by allowing for a general discussion of potential issues for projects.
	22.52.2670.B			
169	22.52.2670.B.5	Puente Hills Habitat Preservation Authority	Subsection B.5 notes that a Conditional Use Permit (CUP) application will be required to include an SEA Site Assessment Report and an SEA Site Impact Report. This subsection notes that the required contents of these reports are provided in the SEA Design Manual; however, that section the Manual was not available during our review of the current Draft SEA Ordinance. We look forward to reviewing this as soon as it is available.	The formerly titled SEA Design Guide, now renamed to the SEA Program Manual has been revised for release with Draft 4, and includes this list, which is based on our current requirements for Biological Constraints Analysis and Biota Reports, required by the current ordinance. For comparison with the SEA Program Manual please see: http://planning.lacounty.gov/agenda/seatac , in the procedures manual. The future SEA Site Assessment Report and Site Impact Reports will be similar or of lesser scope than these current documents.
170	22.52.2670.C SEA CUP Criteria	BIA	Issue: The criterion, "... adverse effects to species listed in the SEA'S description in the general plan" needs to be revisited as it leaves broad range for interpretation regarding what constitutes "adverse effects". Appendix G to CEQA includes checklist questions that many lead agencies use as thresholds for "substantial effects" that have measurable impacts, including, for example, the loss of breeding populations and similar effects. Problem: Under the draft ordinance, loss of a small amount of foraging habitat for an occasional winter visitor could be determined to be an "adverse effect". Because there is no biological justification for such an extreme interpretation, the criterion must be revised so that it cannot be used to reach such an inappropriate conclusion.	Adverse effects is no longer a term used in Draft 4, the criteria was edited to add much more specificity. Please see section 22.52.2935 (Conditional Uses--Application Procedures) of Draft 4 for a full comparison.
171	22.52.2670 C.2	BIA	Issue: Subsection C.2.c. The term "adverse impacts to a water source" is ill-defined with no definition as to type and magnitude of impacts that will be deemed "adverse". Problems: Will a one-percent "alteration of hydrology" alteration be deemed sufficient to make a determination of "adverse impacts"? Can alterations ever be beneficial rather than adverse? What defines "construction activities" within a "setback area"? Vague standards such as these will cause uncertainty and conflict in the application and administration of the ordinance.	The language for the Water Resources Section has substantially changed between Draft 3 and Draft 4. Please refer to 22.52.2925 and 22.52.2935 to see if the changes in Draft 4 have addressed this concern.
172	22.52.2670.C	BIA	Issue: Subsection C.C. identifies potential of creation of "adverse impacts to a water source..." with no definition as to type, magnitude of impacts that will be deemed "adverse". Problems: As indicated above, will a one-percent "alteration of hydrology" alteration be deemed sufficient to make a determination of "adverse impacts"? Can alterations ever be beneficial rather than adverse? What defines "construction activities" within a "setback area"? Vague standards such as these will cause uncertainty and conflict in the application and administration of the ordinance.	See previous response #171.

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173	22.52.2670.C. SEA CUP Criteria	Conservation Biology Institute	. Item “d” should include “solar panels” as an example of a land use that would alter the land.	Please refer to Draft 4's new criteria to see if this addresses your concern. The language in 22.52.2935 (Conditional Uses--Application Procedures) has modified the standards and the new list of permanent hardscaping standards may address this comment, however specific uses are not listed in this set of criteria.
174	22.52.2670.C. SEA CUP Criteria	Friends of Antelope Valley Open Space	Page 18/29—The requirement for triggering a Type B CUP when a project area proposes “hardscaping” covering at least one acre in size or an area of half the project site, whichever is greater. One acre is 43,560 square feet, I feel an excessive amount of area determined to be minimum for a Type B CUP, and it is difficult to ascertain “half of a project site” greater than one acre. This is confusing.	It is meant to be half the project site or a maximum of half an acre, whichever number is smaller.
175	22.52.2670.C. SEA CUP Criteria	Friends of Antelope Valley Open Space	Item f.—concerning drainage and hydrology affecting the “majority of the lot or parcel of land”. How is majority determined?	See response #171.
176	22.52.2670.C. SEA CUP Criteria	Puente Hills Habitat Preservation Authority	Subsection C.1 lists criteria for projects within SEAS that will require a Type B CUP (for higher impact projects, requiring more open space mitigation and review by the SEA Technical Advisory Committee [SEATAC]) instead of a Type A CUP (for lower impact projects). The criterion under (b) is that “the project may result in the creation of a habitat area which no longer maintains connectivity with the rest of the SEA’s natural areas.” This threshold is too high to require a Type B CUP. Very few, if any, projects will be on a scale such that they would completely isolate one habitat area from the rest of the SEA. Using the proposed criterion, if a project maintains a very narrow or limited habitat connection, it would only require a Type A CUP. The following language is suggested instead: “the project may result in the creation of a habitat area which is threatened by a substantial reduction in connectivity with the rest of the SEA’S natural areas.” Similarly, subsection C.2 lists criteria for projects within Ecological Transition Areas (ETAS), located within SEAS, that will require a Type B CUP. The criterion under (b) is that “the proposed project may result in the creation of an undisturbed habitat area which no longer maintains connectivity with the rest of the SEA’S undisturbed habitat areas.” It is suggested that the language be changed as noted in the previous paragraph. Also, since the definition of an ETA includes lands which are degraded but are “functionally integral to the SEA or support important plant or animal populations. it is suggested that a criterion be added which ensures that such functional integrity is not compromised by an activity; the functional integrity designating a particular area as an ETA should be adequately described in each SEA description to facilitate evaluation of such a criterion. In addition, it is suggest that the word “undisturbed” be clarified so that it refers to areas that are not developed or disturbed, as the term “undisturbed” could be misinterpreted as areas that support nonnative vegetation or are not in a pristine state. Finally, to be consistent with the ETA definition, a criterion should be added (similar to 22.52.2670.C.I.c) such that if special status species may be adversely impacted, a Type B	Thank you for input. The map designation of ETA is no longer being used in Draft 4. Draft 4 has also modified the standards from no “longer maintains connectivity” to “habitat isolation” which is a lower threshold with more objective standards. Please refer to 22.52.2935 of Draft 4 to compare language and see if these concerns have been fully addressed.
177	22.52.2670.C. SEA CUP Criteria	Puente Hills Habitat Preservation Authority	The SEA Ordinance proposes to include two tiers of SEA CUP review. Section 22.52.2670.c.1.e. (p. 18) includes criteria whereby a Type B SEA CUP and a higher level of review would be required, i.e., review by the Significant Ecological Area Technical Advisory Committee (SEATAC) (22.52.2670.0.). This includes encroaching upon a habitat	Please see the Connectivity and Constriction areas standards in Development Standards in section 22.52.2925 of Draft 4.

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178			linkage ... where the width of the habitat linkage would be made narrow to fewer than 1,000 feet. We recommend the following text be added to 22.52.2670.c.1.e. (so in this case a Type B SEA cup and SEATAC review would be required): Alternately, or in addition, the applicant cannot demonstrate, at the concurrence of the County biologist, that the portion of the wildlife corridor and/or habitat Linkage provided onsite, and remaining offsite wildlife corridor and/or habitat linkage. will function in a comparable manner (i.e. ... not significantly diminished in function) pre- and post- project construction and implementation.	
179	22.52.2670.C. SEA CUP Criteria	Sierra Club Angeles Chapter	22.52.2670 – SEA Conditional Use Permit Review C. SEA CUP Criteria - d. Impermeable permanent hardscaping of an acre or more should also be permitted in an SEA.	Permanent impermeable hardscaping of greater than an acre in size merely triggers a permit requiring SEATAC review, it does not forbid such development from occurring.
	22.52.2670.D			
180	22.52.2670.E.	Conservation Biology Institute	Development within an SEA should be placed adjacent to the closest infrastructure, minimizing fragmentation of the remaining open space, where possible. This section should also address the desired configuration of the open space, i.e., adjacent to existing open space, where possible.	Please see the criteria in 22.52.2935 (Conditional Uses--Application Procedures) of Draft 4 to see if the standard for SEA Criteria addresses this concern. Open space configuration for required open space is also established in Draft 4 under 22.52.2940 (Conditional Uses-- Conditions of Approval)
181	22.52.2670.E.2 Open Space Requirement for Type A SEA CUP	California Department of Fish and Wildlife	E.2.(e).Does this also apply if there are no willing sellers of potential mitigation land within an impacted SEA?]These provisions will require additional clarification to answer this question. Please look for revisions to the open space provision process in the next draft.
182	22.52.2670.E.2 Open Space Requirement for Type A SEA CUP	Friends of Antelope Valley Open Space	Open space requirement for Type A SEA CUP—what or who determines the priority chosen for open space?	For Draft 3 the listed criteria on pages 20 and 21 (22.52.2670.E.2 a-e Open Space Requirement for Type A SEA CUP) establish the priority for open space preservation. In Draft 4 the provisions are substantially similar and listed in section 22.52.2940 (Conditional Uses- Conditions of Approval).
183	22.52.2670.E.2 Open Space Requirement for Type A SEA CUP	Friends of Antelope Valley Open Space	Page 21/29—item e.—“at least 80 percent of that SEA has been permanently dedicated as open space remaining in a natural condition or restored to a natural condition, open space may be provided in areas within the nearest adjacent SEA.” Please remove the underlined phrase so that natural, undisturbed open space is prioritized. While it is admirable to restore open space that has been degraded by inappropriate use or development, restored open space should not be considered mitigation for development determined to require open space dedication as part of the CUP conditions for approval.	Noted, thank you, this change should be reflected in Draft 4, which does not mention restored areas.
184	22.52.2670.E.2 Open Space Requirement for Type A SEA CUP	Santa Monica Mountains Conservancy	Conservancy staff concurs that there should be a provision, including in the conditions of approval, for permanent protection of SEAS in the open space for SEA Conditional Use Permits (cups). We offer the following specific comments to strengthen and clarify this section. Conservancy staff supports the use of easements and/or fee title dedications to appropriate public entities for protection in perpetuity of the open space. We recommend that the language be clarified however. For subdivisions, it is important to not just rely on recording the open space area on a map, but to also fortify the permanent protection of the open space through recordation of an easement. We have seen a case where open space was identified on the map, but many years later, under different leadership, there were efforts to remove, or reinterpret, that 80- called protection. The acceptance of an easement by an outside entity (that has as one of its goals to protect open space) provides an extra level of protection via an extra set of eyes and the ability to enforce violations.	Please refer to the language in Draft 4, about open space recordation, under 22.52.2940 (Conditional Uses- Conditions of Approval) to see if these concerns have been addressed. At this point in time our ordinance draft does not include fee requirements.

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185	22.52.2670.E.2 Open Space Requirement for Type A SEA CUP	Santa Monica Mountains Conservancy	Conservancy staff suggests that there be additional flexibility to prioritize preserving an important habitat linkage or wildlife corridor, even if it is off the project site. In the currently proposed SEA Ordinance, the protection of a habitat linkage or wildlife corridor is fourth priority. The following changes should be made (p. 21): 22.52.2670.E.2.d. Areas on any lot or parcel of land within the same SEA that will preserve the narrowest point, <u>or other key location</u> , of any habitat linkage or wildlife corridor on the SEA Habitat Linkages and Wildlife Corridors Map, or <u>otherwise scientifically justified to be a habitat linkage or wildlife corridor (if not shown on the current map)</u> . <u>(The County may prioritize this area over a., b., or c., if it finds it will provide greater biological protection and value than a., b., or c., ; and...</u>	For Draft 4 the provisions listed in section 22.52.2940 (Conditional Uses- Conditions of Approval) include an opportunity to preserve the most narrowed points of Connectivity or Constriction Areas.
186	22.52.2670.E.2 Open Space Requirement for Type A SEA CUP	Santa Monica Mountains Conservancy	<ul style="list-style-type: none"> Need for Funding for Open Space Monitoring As stated in a previous letter (dated June 25,2012), the Conservancy recommends that the SEA Ordinance include a provision for funding for monitoring. and in some cases maintenance and/or management of the open space. It does not make sense for a public agency or non-profit entity to take on that expense, in essence subsidizing the development. A funding mechanism should be provided for management of dedications (including for easements) over a certain size, for example 20 acres, subject to waiver by the Director of the Department of Regional Planning for special circumstances. Depending on the specific resources in the open space to be protected, the funding could be minimal, for example, to fund periodic biologist or ranger site visits, or more involved, such as plant and wildlife annual monitoring and management. The SEA Ordinance should identify the specific, pre-permit issuance timing of the establishment of the open space funding (e.g., by placing the funding in an escrow account) - such as - prior to the issuance of a SEA CUP or final map recordation (if applicable). 	Please see comment response #184.
187	22.52.2670.E.3 Open Space Requirement for Type B SEA CUP	Aera Energy	<p>The Draft Ordinance fails to explain how the required dedication of at least 2 acres of open space for every acre of "development" (Draft Ordinance Page 21, Item 3) achieves the intended purpose of the Draft Ordinance to "prevent impacts to biological resources which would compromise the conservation of the County's biological diversity".</p> <p>Transferring title to property does not conserve or promote biological diversity, and there is no demonstrated biological rationale supporting such a specific ratio. Some sites may have little or no acreage with high quality wildlife habitat, so setting aside degraded acreage will not advance the stated purpose. Preserving, enhancing or restoring high-quality habitat areas may maintain and enhance biological diversity using less land area than the straight-forward 2:1 application contemplated under the Draft Ordinance. The existing biological functions, and the ability to improve such functions, must be considered on a site-specific basis, accounting for the specific ecology of the target species, in order to effectively conserve biological diversity and promote long-term persistence of target resources.</p> <p>The owner forfeits even the right to use his own acreage, or offer it for others to use, for habitat restoration or mitigation purposes. These activities are to be conducted exclusively by government agencies or non-profit land conservation organizations (Draft</p>	Draft 4 of the ordinance uses a different ratio in determining open space preservation. It is tied to percentage of SEA developed and the source of the numerical ratio comes from page 29 the SEA Update Study Background Report (http://planning.lacounty.gov/sea/studies) which suggest that "As a target development of properties within the SEAs should disturb no more than 20 percent of the SEA". Please refer to section 22.52.2940 (Conditional Uses- Conditions of Approval) in Draft 4 for the full table.

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188	22.52.2670.E.3 Open Space Requirement	BIA	Issue: Proposed Section 22.52.2670, Subsection E.3., states that the provision of open space "shall be made a condition of approval for a Type B SEA CUP if the project site is one gross acre or greater in size." The Subsection further states that "open space shall be provided at a minimum ratio of twice the area that is being proposed to be newly developed or disturbed." (See Draft Ordinance, page 21.) Problems: A Type B SEA CUP is required for all "subdivisions," as defined in Section 21.08.170. (See Section 22.52.2670 Subsections C.1.a. and C.2.a.) As such, for those ground disturbance activities conducted in connection with development of a "subdivision," in addition to undergoing the County's SEA process, the activities also will be subject to the County's subdivision map process. As part of that discretionary approval process, the County is vested with the discretion to, and typically does, require the subdivider to dedicate certain lands as open space. Therefore, the SEA CUP requirement that open space be provided at the specified "minimum ratio" imposes a substantial additional burden on those applicants already required to provide open space as part of the existing subdivision map process and the hillside management requirements. In addition, the "minimum" is also set too high, and	For combination CUPs we believe the provision of open space can be additive, which means that multiple provisions can be met with the same open space. As a result it would not create a multiplication factor for land with multiple constraints and requirements of open space provision. Projects are required to mitigate against impacts, and those projects located on land with multiple protective overlays must address that higher level of potential impact.
189	22.52.2670.E.3 Open Space Requirement	BIA	Additionally, there is no nexus between the required dedication of at least 2 acres of open space for every acre of development (Section 22.52.2670, Subsection E) and the ordinance's purpose to "prevent impacts to biological resources which would compromise the conservation of the County's biological diversity". Transferring title to property does not conserve or promote biological diversity, and there is no demonstrated biological rationale supporting a specific ratio. Some sites may have little or no acreage with high quality wildlife habitat, so setting aside degraded acreage will not advance the stated purpose. Preserving, enhancing or restoring high quality habitat may maintain and enhance biological diversity using less land area. The existing biological functions, and the ability to improve such functions, must be considered on a site-specific basis taking into account the specific ecology of the target species in order to effectively conserve biological diversity and promote long-term persistence of target resources.	See comment #187. Preservation ratios are a common method of allowing development and conservation to coexist which have not been found to violate the requirements of nexus.
190	22.52.2670 E.4.a.	BIA	Issue: Proposed Section 22.52.2670, Subsection E.4.a., requires the landowner to forfeit twice the area that is being proposed for development, and prohibits any improvements to the forfeited acreage; as such, the owner is denied the right to place facilities compatible with open space (e.g. fuel modification, water quality basins, restored slopes, or subsurface facilities) within areas on his property to be designated as open space. Problems: The proposed Ordinance forces the property owner to forfeit even the right to use his own acreage, or offer it for others to use, for habitat restoration or mitigation purposes. These activities are to be conducted exclusively by government agencies or non-profit land conservation organizations (Section 22.52.2650, Subsection A.5.). Absent a demonstration that these provisions are necessary to achieve the purposes of the ordinance with respect to site-specific conditions, these requirements constitute an improper limitation on the property owner's rights, and may be construed as an impermissible regulatory taking. The land forfeiture does not require any showing by the County or SEATAC to prove that any land proposed for development actually supports the valuable habitat for plants and animals and is integral to the preservation of rare,	The exchange of land dedication for development rights is a common land use permitting process. This does not constitute a taking.
191	22.52.2670.E.4	California Department of Fish and Wildlife	E.4.(a). Sometimes it is necessary to erect fences, signs, or other measures to restrict access for protection of the desired resource on natural open space. This may be difficult if restrictions are too broadly worded in conservation easements. Please define improvements.	Exemptions are provided for habitat restoration in the ordinance. We will continue to research a method to permit ongoing activities by conservation groups over the next draft.
192	22.52.2670.E.4	Friends of Antelope Valley Open Space	Page 22/29—Subdivisions—Seriously consider whether subdivisions are appropriate for placement in SEAs, even if clustered. How was the 40 acres (plus or minus) decided upon in determining how open space is allotted ?	Noted, thank you. At this time we are not considering entirely prohibiting subdivisions in SEAs. Please see Draft 4, section 22.52.2940 (Conditional Uses- Conditions of Approval) for new language regarding subdivision open space allotment.

#	Section	Author	Comment	Response to Draft 3
193	22.52.2670.E.4	Puente Hills Habitat Preservation Authority	Subsection E.4.a notes that required open space shall remain in a natural condition, and that no improvements shall be allowed except for any applicable provisions in Section 22.56.215. However, this section refers to the existing Hillside Management and Significant Ecological Areas, and this section does not mention improvements that may be allowed in open space areas within SEAS. Any improvements allowed in required open space areas should be specified in this subsection, and should include (as appropriate) trails, signage, fencing, non-native vegetation removal, habitat restoration, and improvements associated with biological resource monitoring, research and management.	Noted, please see response (#191) to CA Dept of Fish and Wildlife two comments previously.
194	22.52.2670.E.5 Open Space Recordation Requirements	M.Davidheiser	Except for separate open space lots, the ordinance does not clearly state the process involved if the County requires recordation of an open space easement. This is what is called a "restrictive easement". Are there two parties involved in recording the open space easement, and if so, who would the other party be—it does not say. Could the property owner still sell a conservation easement? The County should avoid any open space easement that would take away an owner's right to sell a conservation easement because of potential lawsuits. In a Type A permit, the County has the OPTION of requiring recordation of the easement; for Type B permits, the County WILL require it. As an alternative, there could be a straw deed where the land is deeded to a title company, which deeds it back to the owner with a covenant or deed restrictions attached to the deed (in this case, the County should waive a property tax increase on inherited property).	Please see comment #184.
195	22.52.2670.E.5 Open Space Recordation Requirements	Santa Monica Mountains Conservancy	We recommend the following change to Section 22.52.2670.E.5.b. (p. 23): Subdivisions. If required open space will be provided on the same lot or parcel of land as the project. . . , such open space shall be shown on the tentative map and the final, shall be subsequently recorded on the final map and/or as an easement, and shall be labeled as Open Space It is also warranted to specify the timing of the recordation of any easement. This will provide a clear process for applicants, keep this important step from falling through the cracks, and will help ensure the actual permanent protection of the open space. We recommend that the following text be added to Section 22.52.2670.E.5. <u>c. An easement shall be recorded, or open space land dedicated in fee title, to appropriate entity (per Section 22.52.2670.E.6.) at the time of final map recordation, or prior to the effective date of the SEA CUP.</u>	Please see comments (#184 and 192)
196	22.52.2670, Subsection E.6.a.	BIA	Issue: Proposed Section 22.52.2670, Subsection E.6.a., requiring ownership transfer and management of open space and the "mandate to protect it in perpetuity," creates an expectation, if not an obligation, on the part of the property owner to provide funding for the restoration, long-term management and protection of the transferred property.	Comment noted. We have added a standard allowing the owner to maintain the property themselves if they so choose, see 22.52.2940 (Conditional Uses--Conditions of Approval), in order to provide an option should dedication not be feasible.
197	22.52.2670, Subsection E.6.a.	BIA	Problems: The Type B CUP requires the transfer of at least 213'~' of a property, and requires the owner to forfeit the right to conduct habitat mitigation or restoration on the transferred property. Since conservancies will not ordinarily accept property without an endowment, these requirements will inevitably result in a huge financial obligation for the owner. This stacking of what are essentially penalties is extreme, unjustified, and will likely render many projects economically infeasible. Taken as a whole, these requirements amplify the concern that the proposed Draft Ordinance may be effect an impermissible regulatory taking.	Please see our previous response to your agency's comments (# 190) regarding whether the provision of open space constitutes a taking on 22.52.2670 E.4.a.a. We welcome follow up conversations with your agency regarding your recommendations

#	Section	Author	Comment	Response to Draft 3
198	22.52.2670.E.6 Open Space Ownership and Management Requirements	California Department of Fish and Wildlife	E.6.a(3)HOAs should not be treated as a separate entity here. Most HOAs are considered non profit organizations and must comply with Government Code Section 65965 for a non-profit land conservation organizations.	We do not use the term HOA in Draft 4.
199	22.52.2670.E.6 Open Space Ownership and Management Requirements	Conservation Biology Institute	The open space should be managed by a qualified land manager or land trust, not a Home Owners Association or the City or the applicant.	See Comment (#198)
200	22.52.2670.E.6 Open Space Ownership and Management Requirements	M.Davidheiser	REQUIRING OPEN SPACE LOTS could cause problems: 22.52.2670.E.6.a An open space easement is to be deeded (without compensation) to a government entity, a conservation organization, or HOA. Adding another lot to a minor land division could make it a subdivision. If you have a 40 acre parcel and zoning density is 20 acres, and you want to divide it in two, another lot would put the lots under 20 acres.	Please see the changes in section 22.52.2940 (Conditional Uses--Conditions of Approval) in Draft 4 of the ordinance to see if they resolve this concern. If not, please follow up with us as we work on subsequent drafts.
201	22.52.2670.E.6 Open Space Ownership and Management Requirements	Friends of Antelope Valley Open Space	Item 7.—Other Conditions of Approval—First, it states a SEA CUP shall apply to the entire project site; then it may specify certain conditions only apply to those within an SEA; then if subdivided, modifications to the SEA CUP only relate to land affected by the modification, not the entire project site. Again, confusing to say an SEA CUP will apply to an entire project, and then state exceptions. Here again, we run into the problem of transition area, and effects of more intensive development on adjoining SEAs.	SEA CUPs apply to the entire project under proposal so long as some portion of that project is within an SEA. If a parcel were subdivided such that some lots had no SEAs on them, future development applications would not require an SEA CUP on that lot. But that subdivision process, provided that the initial parcel they were divided from has SEA, would require an SEA CUP. Additional language states that parcels within a subdivision may be modified and relate only to the lot affected. Please see 22.55.2940 , subsection C in Draft5 4.
202	22.52.2670.E.6 Open Space Ownership and Management Requirements	Puente Hills Habitat Preservation Authority	Subsection E.6 notes that required off-site open space shall be managed and protected in perpetuity through dedication to a governmental entity, a qualified non-profit land conservation organization, or a home owners association. Along with the dedication, funds should be provided that are sufficient for land management in perpetuity. In addition, home owners associations are not recommended to manage open space: as they often lack the staff or expertise to manage the biological resources as necessary for SEA maintenance.	See responses (# 184 and 198)
203	22.52.2670.E.6 Open Space Ownership and Management Requirements	Santa Monica Mountains Conservancy	To make sure the open space is appropriately managed if a non-profit organization accepts the dedication, we recommend the following underlined text be added to Section 22.52.2670.E.6.a. (p, 24), which specifies dedication to one of the following entities: ... (2) A non-profit land conservation organization that meets the Statement of Qualifications of Non-Profits Requesting to Hold Mitigation Land according to Government Code Section 65965 <u>and which has the proven capabilities and relevant experience to manage the land and will protect the natural resources in perpetuity; or .</u> More specifically, a homeowners' association (HOA) should not be listed as an entity that could own and manage the open space (p. 24). Often HOAs have goals and propose uses that conflict with the permanent protection of the significant biological resources within open space. We have seen examples of this. The following text should be deleted: 22.52.2670.E.6.a.(3) dedication to a homeowners association.	See responses (# 184 and 198)

#	Section	Author	Comment	Response to Draft 3
204	22.52.2670.E.6 Open Space Ownership and Management Requirements	National Park Service: Santa Monica Mountains National Recreation Area	Item E.6 addresses ownership and management of open space dedications. Open space may be conveyed to a governmental agency, a qualified non-profit land conservation organization, or a homeowners association. NPS concurs with conveyance to governmental agencies or qualified non-profit organization, because these entities have staff and resources to provide the necessary stewardship of the sensitive resources for which the SEA was assigned. Homeowners associations are not natural resource management-oriented and are not qualified to manage natural resources. Furthermore, there is often no means for oversight in the event that open space protection is being inadequately managed. We suggest removing homeowners associations as a viable recipient of open space dedications.	See responses (# 184 and 198)
205	22.52.2670 E.7	BIA	Issue: Proposed Section 22.52.2670, Subsection E.7., states that "an SEA CUP shall apply to the entire project site, including portions of the project site that are not located within an SEA. An SEA CUP may specify that certain conditions only apply to those portions of a project site within an SEA." (See Draft Ordinance, page 24.). There is no demonstration that requiring an SEA CUP on land outside of the SEA is necessary to achieve the purposes of the ordinance. Problems: Application of the SEA CUP to the entire project site in all circumstances is unnecessarily and insupportably overbroad. For example, if a project is designed to be located entirely outside of a SEA. but the Fuel Modification Zone falls within the SEA, the conditions imposed upon the Fuel ~modification one potentially would apply to the entire project absent a specific statement limiting application of the condition to the SEA.	When a project will affect an SEA, the entirety of the project falls under the SEA CUP regulation. This is a consistent approach with our current regulations. Projects must be considered in their entirety even when looking at the impact on a portion. At this time we are not considering changing this approach in subsequent drafts.
206	22.52.2670.E.7 Other Conditions of Approval	Friends of Antelope Valley Open Space	Page 24/29—Tell me, how is a Homeowners' Association qualified to hold mitigation land or manage open space in a subdivision? This should be deleted. Compliance monitoring should be required for all open space easements.	See response (#198)
207	22.52.2670.F	Puente Hills Habitat Preservation Authority	Subsection F notes that a Type A CUP will be considered by a Hearing Officer, whereas a Type B CUP will be reviewed by SEATAC and considered by the Regional Planning Commission. Regarding Type A CUP considerations by Hearing Officers, it is our understanding that a Department staff biologist will have already reviewed the submission and made recommendations. Subsection H lists the Findings required for the Hearing Officer or Regional Planning Commission to issue an SEA CUP.	Please see 22.52.2935 (Conditional Uses Application Procedures) and 22.52.2945 (Conditional Uses -- Review and Hearing Procedures) to see if Draft 4 has resolved these concerns.
208	22.52.2670.G. Staff Report	County of Los Angeles Department of Public Works:	Any recommended changes to the proposed ground disturbance, use, or project that are necessary to substantiate the findings required by Subsection G <u>H</u> below;	This error has been resolved in Draft 4.
209	22.52.2670.G. Staff Report	JDillard	SEA Site Assessment Report and an SEA Site Impacts Report need a qualified opinion. No where do you indicate that the DEPARTMENT OF REGIONAL PLANNING have a requirement for a qualified and certified biological/environmental specialist with expertise in the plants, trees, wildlife, animals, insects, birds, water and hydrology, land use and the ocean.	Our staff biologists are qualified when they are hired. The ordinance is not the appropriate place to certify staff credentials.

#	Section	Author	Comment	Response to Draft 3
210	22.52.2670.H. Findings	Aera Energy	Under the Draft Ordinance, loss of viability within a SEA is deemed to occur if the project may, among other things, result in "removal of habitat that is characteristic of the SEA and described in the SEA's description" (Draft Ordinance page 26, 27). This characteristic habitat" is not limited to "rare", "endangered", or "protected" species as these terms have been defined through application under other statutes (such as the state and federal Endangered Species Acts), organizations (e.g., California Native Plant Society lists) or agencies for which there is precedent with respect to their meaning and application in the biological community. We believe that the Draft Ordinance should be revised to use these more standard terms as opposed to reliance on an undefined, amorphous concept of "habitat that is characteristic of the SEA."	See explanation above (# 26) in response to Cook Hill Properties regarding Ordinance Duplicative Regulations, at the top of the spreadsheet for clarification of the difference between our ordinance and other applicable regulations to protect rare species.
211	22.52.2670 H.2	BIA	Issue: Upon approving a proposed development activity governed by proposed Part 25, the Reviewing Authority must make findings that the proposed development activity meets the objectives of Part 25 to the satisfaction of the Reviewing Authority. Like its disjointed purposes, the proposed Ordinance simply lists findings that are not integrated with one another, and in addition, includes findings in subparagraphs 2 and 3 that requirements have been met that are not included as requirements in the Ordinance.	Thank your for your input. We do not come to the same conclusion about the findings being disjointed but we will consider this note should we refine the findings.
212	22.52.2670. H.3.	BIA	Problems: Even if made by the Reviewing Agency, the findings will not provide evidence that the proposed development activity meets the purposes of the SEA Program as expressed in the draft General Plan. Proposed language for Section 22.52.2670 (H) is attached that we believe better reflects the County's draft General Plan objectives for the SEA Program.	Noted, you may see our revised findings for Draft 4 in section 22.52.2945 (Conditional Uses-Review and Hearing Procedures).
213	22.52.2670 H	BIA	H. Findings. The Reviewing Authority (Hearing Officer or Regional Planning Commission) shall not approve an SEA CUP application unless the Reviewing Authority finds that the application substantiates all of the following findings, in addition to those required by Section 22.56.090: 1. To the extent feasible, the proposed development minimizes potential impacts to identified biological resources present on the portions of the proposed development site that are located within the SEA from incompatible development through the application of environmentally sensitive site design practices and development standards; 2. The proposed development does not have the potential to result in the loss of SEA viability; and 3. Potential conflicts between conservation of the resources in SEAS (as identified in the County's General Plan) and the proposed development have been equitably resolved.	See response above (#212)

#	Section	Author	Comment	Response to Draft 3
214	22.52.2670.H. Findings	Conservation Biology Institute	“Loss of viability” is defined to occur when the SEA is literally ruined (bisected, corridor closed, species extirpated). Rather, any fragmentation of an SEA or its surrounding landscape should be considered adversely significant impacts to long-term viability of the area. Similarly, cumulative habitat loss that results in significant impairment of connectivity or compromises a species location or population should be considered adversely significant impacts to long-term viability of the area. Specific examples such as these would be more helpful than (for example) the phrase used in item 3c: “Removal of habitat characteristic of the SEA and described in the SEA’s description provided in the General Plan.” For example, the SEA Description for SEA 15 includes an expansive definition of characteristic SEA resources, for example describing “disturbed habitats, native and naturalized vegetation” that “do not represent key habitats” but are nevertheless “important(t) to the wildlife corridor function of the SEA”. Elsewhere, the description includes “stands of mixed chaparral, coastal sage scrub, and grasslands which, taken as a whole, form a valuable wildlife habitat unit of regional importance.” Disturbance of virtually any portion of a site could violate the “characteristic habitat”	See Draft 4, substantial changes have been made throughout that should prevent cumulative losses through preservation ratios and changes in the SEA Findings.
215	22.52.2670.H. Findings	Puente Hills Habitat Preservation Authority	Subsection H.3 requires that a project cannot result in the loss of SEA viability, which is defined as (a) bisecting the SEA, (b) closing a habitat linkage or wildlife corridor, (c) removing habitat characteristic of the SEA, (d) removing the only known location of an SEA species, or (e) removing the only known location of a new or rediscovered species. Items b, d and e provide a very high threshold for determining the loss of SEA viability. For example, the substantial narrowing of a habitat linkage, not just the closing of the linkage, could result in SEA viability loss. Or the removal of key habitats or populations of certain species could, not just the removal of the only known locations of that species, could also result in SEA viability loss. These SEA viability thresholds should be revised to be less limiting.	See Draft 4, substantial changes have been made throughout that should prevent cumulative losses through preservation ratios and changes in the SEA Findings.
216	22.52.2670.H. Findings	Santa Monica Mountains Conservancy	Similar to our comments on the Purpose, above, it appears that most of the findings related to “loss of viability in an SEA” seem unnecessarily dire (22.52.2670.H.3., p. 27). (Finding 22.52.2670.H.3.c. is appropriate and should be retained.) Some of these, such as closing of a habitat linkage, seem like the minimum standard that should be met. We recommend that the findings be expanded to include: <u>“4, The project has been designed to avoid and minimize, to the maximum extent possible, adverse impacts to the SEA.”</u> It appears that the more strongly worded findings in the November 10, 2011 version of the Preliminary Draft Significant Ecological Area and Hillside Management Area Ordinance (22.56.215.J.; see Attachment 1) have been diluted. Similarly, the facts that need to be substantiated in the existing Hillside Management and Significant Ecological Areas Ordinance (Existing 22.56.215.F. 2. a. through f.; See Attachment 2) are also stronger than the current findings in the proposed SEA Ordinance. We recommend the County add the findings from the November 10, 2011 version, or at least add the facts that need to be substantiated from the current ordinance. Notably, the following finding from the November 10, 2011 version of the Preliminary Draft Significant Ecological Area and Hillside Management Area Ordinance should be added: <u>Where a conflict exists between a provision in this Section and such other ordinance,</u>	Thank you for your input. Please also see our response (# 41) to the Santa Monica Mountains Conservancy on 22.52.2600 Purpose section.
217	22.52.2680 County Project Review	County of Los Angeles Department of Public Works:	“22.52.2680 County Project Review. The following review procedures are required for any ground disturbance, use, or project to be undertaken by the County <u>not otherwise exempted by Section 22.52.2620 of this ordinance.</u> ”	Thank you for your input. This language suggestion was not used in Draft 4, as county projects are exempted differently.
	22.52.2680.A			

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218	22.52.2680.B	County of Los Angeles Department of Public Works:	The last sentence of this subsection states “If the project meets such criteria, the project shall be reviewed by SEATAC,” however, information as to the procedures that will be followed if the project does not meet the criteria of Section 22.52.2670.0 are not included and should be. It is our understanding that once an Initial Project Appraisal in accordance with Section 22.52.2670.A.1 is conducted for a County project, and it is determined, using the criteria of Section 22.52.2670.0, that the project does not require a Type B SEA CUP and, therefore, does not need a review by SEATAC that Regional Planning would issue a clearance letter to the project’s lead County department. Said clearance letter would then be included within the project documents presented to the project’s decision making body.	If a project does not meet the criteria for type B it will be a type A. For County projects this means there will be no review by the DRP. We will have a more in depth discussion of the process for County agencies with all affected agencies.
	22.52.2680.C			
219	22.52.2690 Voluntary Review	Friends of Antelope Valley Open Space	Page 28/29—Instead of offering voluntary review by Regional Planning or SEATAC, make review by SEATAC a part of the process. It would assure the public be informed of projects in SEAs and provide the opportunity to review project documents and comment on all projects if so desired.	Voluntary review is specifically for projects that do not require land use permitting or SEATAC review, who wish to use SEATAC anyway. An example would be a conservancy looking for input into research documents they prepared- if they were not preparing any permits, they would not need to apply to our department, but they might want to have their information reviewed by SEATAC. Other examples could be review of a study by an academic committee, a review of a project outside the SEA looking for biological review on their process. Although rare, occasionally groups want to have review from SEATAC.
Non-Ordinance SEA Program Comments				
220	Boundary/Mapping	BIA	Under the proposals, there is no clear pathway to modify these boundaries, even if more accurate and detailed studies are undertaken	Property owners who feel their properties are incorrectly designated as SEAs should contact our department to resolve this issue. Members of the public who have concerns about the SEA boundaries may raise them in public comment at the public hearings to adopt these maps. Once the SEA boundaries are adopted in the General Plan it is correct to say that there will not be a process to request modifications unless the person applies to amend the General Plan.
221	Boundary/Mapping	BIA	Indeed, our members have submitted numerous studies for consideration by the Department of Regional Planning (DRP) that have not been acknowledged by or incorporated into the proposals or maps.	We apologize if review of these studies has been unclear. Individuals requesting boundary adjustments have been added to a list and should have been contacted by our department. All requests will be reviewed concurrently and final recommendations for adjustments will be submitted to the Regional Planning Commission at public hearing. This allows a single review process to allow maximum public input.
222	Boundary/Mapping	BIA	In reliance on a recommendation of an “expert panel of biologists” that had no outside peer review, DRP recommended this type of expansion, despite contrary direction from the Board of Supervisors and explicit comments from BIA and others that these constraints are inappropriate reasons.	The expert panel was an outside peer review that included biologists from both the public and private sectors in order to ensure our staff and consultants were correct in their recommendations. We have not been ordered in a contrary direction from the Board of Supervisors on the boundaries. The boundaries are based on biological resources, not constraints.
223	Boundary/Mapping	City of Los Angeles Bureau of Engineering: The Los Angeles River Project Office	We suggest the Los Angeles River corridor be included on LA County’s SEA maps in its entirety, from its beginning in Canoga Park at the confluence of Bell Creek and Arroyo Calabasas to the mouth of the River in Long Beach where it meets the Pacific Ocean.	Thank you for your suggestion. We have added you to our list for boundary modifications and will follow up with your agency.

#	Section	Author	Comment	Response to Draft 3
224	Boundary/Mapping	Grassroots Coalition and The Ballona Ecosystem Education Project	Special and critical care of non-disturbance needs to be given to this and all of Ballona's rare and endangered wildlife and plant life in order to sustain current populations and allow for growth. Other areas should be included in the Ballona Ecological Area, such as the Ballona Lagoon Marine Preserve: The entire Ballona region needs to be included as an SEA in order to address the complex biodiversity and bioregions that currently exist. Marina del Rey, Oxford Lagoon, Del Rey and Ballona Lagoon.. the regional makeup of all the remnant portions of Ballona need to be included in the SEA.	Thank you for your suggestion. We have added your request to our list of boundary modifications requests and will contact you.
225	Boundary/Mapping	Los Angeles Area Chamber of Commerce	The next draft of the Ordinance should also include the biological changes undergone in impacted areas to warrant the expansion of the SEA boundaries. We request detailed information on the studies conducted for each newly-designed parcel and explanations of which aspects of those studies were used to justify their inclusion in a SEA.	The studies conducted on the SEA boundaries are available online at: http://planning.lacounty.gov/sea/studies and in the SEA descriptions at: http://planning.lacounty.gov/sea/biological . These studies include justifications, methodology and species.
226	Boundary/Mapping	LPurcell	Re: the Ballona Wetlands SEA. The description of the SEA is unclear; inclusion of a map with the SEA verbal description would help.	Maps of the SEAs are available on our GIS Net web mapping application and also at: http://planning.lacounty.gov/sea/proposed
227	Boundary/Mapping	LPurcell	Why does the [Ballona] SEA include only salt and freshwater wetlands, not brackish wetlands or seasonal wetlands in its description? A vernal pool with fairy shrimp existed on the side of the west bluff above the current freshwater marsh area. Remnants may still exist as the side of the bluff has been restored with native plants in mitigation for the development on top of the bluff. Why doesn't the SEA include the sides of adjacent bluffs as upland habitat? Until recent development the west bluff was the upland for the wetlands below. The side of the west bluff is still upland habitat for the wetlands. The SEA could also include the riparian channel that feeds the freshwater marsh, as well as the bluff-side below LMU, which includes springs and a pool on Cabora Rd. Farther east are two small canyons and riparian areas that are also valuable habitat. As far as wildlife, coyotes have been documented in the SEA, but are not mentioned. Also missing is mention of red harvester ants, short-eared and great horned owls, white-tailed kites, kestrels, and Northern harriers, among the species that are seen in the wetlands and associated uplands. The SEA does not include the term estuary in its description of the Ballona wetlands area. SEA Criteria 2011 is confusing as #4, Ballona Wetlands talks about	Noted. Your comments will be forward to our staff biologists. Any changes made based on this input will be included in any updates to the SEA description at the time of the finalization of the SEA Program for public hearing.
228	Boundary/Mapping	LPurcell	Whittier Narrows Natural Area is listed as an LA County Open Space Area, with 300 acres of valuable habitat within the larger Whittier Narrows Recreational Area. Is this an SEA? There does not appear to be further discussion of this area.	Please use our GIS Net web mapping application(http://planning.lacounty.gov/gisnet3) to check if this is in an SEA - our research indicates it is not proposed as an SEA.
229	Boundary/Mapping	Tejon Ranch	The fundamental problems with the proposed changes to the SEA Ordinance and designations are not, however, practical ones of restraints on development: They are scientific. The expanded SEA designations lack scientific justification, both within the Centennial site and the County as a whole.	Please see response (# 225) to the Los Angeles Area Chamber of Commerce regarding this issue above.
230	Boundary/Mapping	Tejon Ranch	The Proposed SEA Expansion In The Centennial Site Lacks Scientific Justification. The proposed expansion of the San Andreas Rift Zone SEA to cover the entirety of the Centennial site with an SEA designation is supposedly designed to do the following: protect endangered native grasslands; maintain macrobiotic diversity resulting from the area's confluence of desert, mountain, and coastal influences; protect threatened or endangered species; and protect corridors and connectivity for wildlife movement linkages. In fact, none of these goals require the proposed designations, which would prevent the completion of the Centennial project.	Please see response (# 225) to the Los Angeles Area Chamber of Commerce regarding this issue above.

#	Section	Author	Comment	Response to Draft 3
231	Boundary/Mapping	Tejon Ranch	The Proposed SEA Expansions Throughout The County Lacks Scientific Justification. The lack of basis for the SEA expansion is not limited to Centennial. The County's SEA expansion does not meet this standard because the County does not have scientific evidence showing its proposed SEA expansion is warranted based on SEA criteria. Further, in November 2010, the Department of Regional Planning convened a supposed "expert panel" of biologists to review the proposed County Significant Ecological Program. This meeting of experts is touted as validating in one day all the work that had been done over supposed 12 years of study and to justify covering 1,000 square miles of the County as an SEA. The Draft General Plan Update 2035 proposes a further SEA expansion, drawing the SEA boundaries to include thousands of acres that do not have any habitat of importance and do not meet the County's own criteria for SEA designation. Much of the land proposed for inclusion within SEAs has never been studied and verified for actual confirmation of resources on the ground. It appears that the method of designating these areas was undertaken by review of photographs and documents rather than actual biological surveys, resulting in an overly presumptive approach to regulation.	Please see response (# 225) to the Los Angeles Area Chamber of Commerce regarding this issue above.
232	Boundary/Mapping	Tejon Ranch	The SEA Expansion Does Not Conform To The Approved Regional Plan For Attaining Greenhouse Gas Reductions As Mandated By SB 375. The Centennial project has long been a cornerstone of the region's plan for economic growth and was included in the approved SCS. Now, the County is proposing to amend its General Plan and Antelope Valley Area Plan to reject, rather than implement, state and regional mandates in conformance with the approved SCS.	SB 375 does not mandate general plan land use policies and regulations to be consistent with the 2012 RTP/SCS. Nonetheless, the General Plan Update is consistent with and supports the overall regional goals established by 2012 RTP/SCS. The proposed SEA program in the General Plan Update, in particular, is supportive of the RTP/SCS's goals to protect natural resources. SCS land use pattern maps and general plan land use policy maps are different tools, and differences between the two do not constitute inconsistencies between the County's General Plan Update and the 2012 RTP/SCS. Also, it is important to note that there are no references to the Centennial project in the 2012 RTP/SCS.
233	Boundary/Mapping			
234	Boundary/Mapping: Constraints	BIA	It [The SEA Ordinance] uses other land development constraints, such as floodplains, fire zones, or hillsides as the basis for SEA expansion, adding unnecessary regulation to lands where development is already heavily constrained.	The SEA boundaries are based entirely on the location of land that holds biological resources. Other land development constraints may be present on SEAs but they are not the basis of the maps.
235	Boundary/Mapping: Constraints	Cook Hill Properties	It also uses other land development constraints, such as floodplains, fire zones, or hillsides as the basis for SEA expansion, adding excessive and unreasonable regulation to lands where development is already heavily constrained.	Please see previous response (#234).
236	Boundary/Mapping: Constraints	County of Los Angeles Department of Public Works	Further discussion is necessary with Regional Planning staff to better understand why the SEA areas extend into United States Forest Service (USES) areas when the USES already requires an environmental review for all projects within the forest boundaries. It is recommended that the SEA areas be limited to non-Forest Service areas so as not to expend County resources where Federal resources are already necessary.	Thank you for your requests. We will provide you with more information about the rationale behind the inclusion of Forest lands.
237	Boundary/Mapping: Constraints	County Sanitation Districts	Although the proposed SEA boundaries were not part of the current review package, we wish to reiterate our prior request that the boundaries be drawn more precisely and exclude areas where a high percentage of the land has been developed or otherwise previously disturbed. Designating previously disturbed areas as a SEA would require users of the land to go through a site plan review, which would require application preparation, application review, and a mandatory site visit by a County biologist. These efforts require time and resources by both the applicant and the County that are not justified.	There will be a County process for County agencies. County Agencies will not go through a permitting process with the Department of Regional Planning, but there will be an official consultation period for major projects within SEAs. Please see "22.52.2680 County Project Review" of Draft 3 and 22.52.2955 (County Development Review Procedures) in Draft 4 for an outline of the process, and there will be additional follow up with your agency for input.

#	Section	Author	Comment	Response to Draft 3
238	Boundary/Mapping: Constraints	FKhao & GHu:	If ecological preservation is critical in the City Planning staffs mind, regulation should be designed so that the economic burden of such preservation is put on either the City or the super developers/companies who established mega projects to profit in the local area and not on individual, innocent land owners like us. If the City staff insists on designating our parcel as SEA, we demand that you either buy back the land from us or require the adjacent companies to purchase our parcel at a fair price that's not inferior to any other parcel without such SEA designation as mitigation.	Thank you for your comment. The County has a right to establish land use regulations on your parcels. We have sought to provide a process that does not preclude development and in updating the ordinance hope to create new permits and processes that are more affordable than we currently offer in SEAs to balance against the proposed SEA Boundary Update. We also are committed to working with other agencies to see that there is a market for purchase of SEAs lands as mitigation lands in the County, creating value for landowners.
239	Boundary/Mapping: Constraints	Grassroots Coalition and The Ballona Ecosystem Education Project	Special and critical care of non-disturbance needs to be given to this and all of Ballona's rare and endangered wildlife and plant life in order to sustain current populations and allow for growth. Other areas should be included in the Ballona Ecological Area, such as the Ballona Lagoon Marine Preserve: The entire Ballona region needs to be included as an SEA in order to address the complex biodiversity and bioregions that currently exist. Marina del Rey, Oxford Lagoon, Del Rey and Ballona Lagoon.. the regional makeup of all the remnant portions of Ballona need to be included in the SEA.	Please see previous response to your organization under the heading of Boundary/Mapping (# 224)
240	Boundary/Mapping: Constraints	VICA	we are alarmed by the lack of quantitative data to support designation of these 645,517 acres and their respective parcels. We understand that the new designations are based primarily on limited information available about flood zones, hillsides, seismic zones, liquefaction and other geographic features of the county. Expansion may be necessary, but determining the areas based on minimal data about related, but distinctly different, physical characteristics is insufficient justification.	The scientific justification for the SEA boundaries is publicly available at: at: http://planning.lacounty.gov/sea/studies and in the SEA descriptions at: http://planning.lacounty.gov/sea/biological . These studies include justifications, methodology and species. Land use constraints were not used to determine the location of the proposed SEAs.
241	Criteria	Tejon Ranch Company	Tejon believes that not only must the County's proposed changes to the SEA Ordinance and designations be rejected because they are scientifically unjustified, but that the County's new overall approach to the SEA program including having County-wide SEA criteria-needs to be rethought.	Please see previous response on the scientific justification for the SEAs (#241). The County currently uses County-wide SEA criteria as we are required to do to assess the SEAs in the context of the County's obligation to preserve our cumulative biodiversity, and the proposed SEAs also use Countywide criteria. Each SEA meets the criteria in different ways however. Please see http://planning.lacounty.gov/sea/biological to see individual SEAs and their individual criteria descriptions.
242	Criteria	Tejon Ranch	Tejon believes that it is imprudent to have a blanket, County-wide set of SEA criteria with resulting County-wide SEA designations. The better approach is to have local areas determine the SEA criteria and designations for their area. SEA criteria and designations should, therefore, appear not in the General Plan but in the Area Plans.	Please see previous response (#242).
243	Criteria	VICA	In the next draft EIR, we look forward to clarification of the criteria used to create the proposed SEA boundaries, including what biology has changed since 1980 to warrant the expansion of the SEA boundaries. We would also like detailed information about the studies conducted for each newly-designed parcel and what aspects of those studies were used to justify their inclusion in a SEA.	Please refer to the information available online at: http://planning.lacounty.gov/sea/studies and in the SEA descriptions at: http://planning.lacounty.gov/sea/biological . These studies include justifications, methodology and species.
244	Noticing	Cook Hill Properties	CHP represents various landowners in Los Angeles County, and to our knowledge, none of those owners were notified that their properties may be affected by the SEA expansion and the Draft Ordinance.	Preliminary drafts of an ordinance do not usually receive individual notice. Per the California Government Code if the number of owners to whom notice would be mailed or delivered is greater than 1,000, individual notice is not required provided there is noticing in public newspapers in local circulation. However our department did send notices to property owners within proposed SEAs regarding the preparation of the draft EIR for the County General Plan, and the DRP maintains an email list of persons who are interested in hearing updates about the SEA program. Anyone who wishes may provide an email and be added to this notice list if they are not currently receiving mailings.

#	Section	Author	Comment	Response to Draft 3
245	Noticing	Los Angeles Area Chamber of Commerce	We request information on whether and how broadly direct mailings to property owners on the proposed changes have occurred. We believe a direct mailing with personal outreach to explain the impacts of the ordinance in laymen's' terms and inclusion of sufficient time and ease of opportunity for input is most effective to reach and inform such a diverse and geographically dispersed group of landowners. The Chamber is happy to partner with the County to help conduct outreach and solicit input from property owners and other business community stakeholders on this important issue	Please see above response (#244).
246	Noticing	Tejon Ranch Company	No Changes to the SEA Designations or SEA Ordinance Should Be Proposed Pending the Report to the Supervisors Regarding the Area Planning Process. . This represents an unacceptable departure from the County's long tradition and successful practice of making land use decisions-including changing land use designations-as part of the community-based area Plan development process. The SEA Ordinance upends this approach by creating a "one-size-fits-all" approach to SEAS. From a land use policy, legal, and biological perspective, this simply makes no sense. Measures that are appropriate in the steep slopes of Santa Monica Mountains have little relevance on flat grazing or agricultural lands, and measures appropriate to a forest bear little resemblance to measures appropriate to a desert. The draft SEA Ordinance is untimely, and should be indefinitely delayed, pending further consideration and direction from the Board as to the acceptability of staffs proposed "top-down" approach of subverting the Area Planning process.	No changes to the SEAs or Ordinance can be made without public hearings to the Regional Planning Commission and Board of Supervisors and including all necessary public notice and environmental review under CEQA. This process is currently being conducted. Staff meets regularly with staff of the Board of Supervisors to brief them on our process and progress. We are acting in accordance with all appropriate requirements.
247	Noticing	Tejon Ranch Company	Accordingly, Tejon requests that the Department of Regional Planning significantly extend the time for public comment on proposed changes to the SEA program. Tejon also requests that the Department refrain from implementing any proposed changes to the SEA program until the composition of SEATAC has changed and the new members have been given the opportunity to evaluate and suggest modifications to the changes being proposed.	Please see previous response (#246). This request has been noted. The membership of SEATAC is not currently being updated, but we do submit our proposed changes to SEATAC for their comment regularly. The updates to the the SEA Program were first begun in 1999, and have included significant and long term public outreach programs. Our staff is committed to ensuring that the SEA Program is updated with appropriate timing for response, as they have been since the beginning of this update process.
248	Meetings	Cook Hill Properties	We request a public workshop to present testimony and engage in further dialogue with Staff.	Our staff would be happy to meet with your organization and engage in dialogue. We also engage in public outreach to numerous committees and associations and town councils, and would consider any appropriate forum for dialogue. When the ordinance draft is finalized it will go through public hearings at the Regional Planning Commission and Board of Supervisors, at which time you may also present testimony directly to the decision making bodies which make the final decisions on the SEA Program.
249	SEATAC	BIA	First Issue: BIA/LAV remains concerned about the composition, selection, administration of the SEATAC committee, and the BIA's previous comments have not been addressed in the 3rd draft of the Ordinance. For example, the SEATAC committee is not made up of a diverse expert panel including members of the development community. Problems: As a result, the SEATAC committee does not have a broad perspective of all the problems encountered with land design, conservation and mitigation, and SEATAC decisions can be biased, not well informed, and/or evaluated by SEATAC with limited credit given to the overall project contributions.	The BIA's concerns about SEATAC have been noted and responded to in other documents. We understand your perspective. SEATAC is a technical advisory committee that specifically looks at biological impacts in order to provide advice to staff and applicants.
250	SEATAC	BIA	Second Issue: Furthermore, the draft SEATAC Ethical Guidelines are limited on guidelines, loosely established and should be more thoroughly and thoughtfully redrafted by County Ethics Commission to prevent conflicts of interest.	There is no County Ethics Commission. Please clarify whom you refer to.

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251	SEATAC	BIA	Problems: BIA/LAV continues to see problems when SEATAC members have not recused themselves when involved in some manner with an individual or organization that has a vested interest in the outcome of the case (e.g., the SEATAC member is employed by, represents or is closely associated with a conservation authority or group which opposes the project; or by a firm or group which wants to oppose additional development in the area of the site under review.).	If there are specific instances of SEATAC failure to recuse themselves we would be happy to listen to your concerns. In the meantime we have instituted more rigorous procedures for recusal and notification that we are working to implement and which we are confident are adequate.
252	SEATAC	Friends of Antelope Valley Open Space	I have not been able to find the current ordinance that describes the seating of SEATAC members. Giving the Director of Regional Planning sole power to appoint members of the committee could undermine the independent, functional review of projects, and could see appointees who have no experience in environmental review, or interest in the preservation of SEAs, or have a weighted interest in projects that come before the committee. I would like to see more regarding the "appointment" process that would safeguard the purpose of SEAs.	Please see: http://planning.lacounty.gov/agenda/seatac for current SEATAC procedures.
253	SEATAC	LACFB/GNebeke r	The LACFB recommends that the majority of expert advisory committee members not be appointed by the Department of Regional Planning but consists of highly-qualified independent professionals	Thank you for your input.
254	SEATAC	Poppy Reserve/ Mojave Desert Interpretive Association	We remain concerned about the wide ranging significance of changes to existing SEATAC procedures	Please provide more specificity in order to address these concerns.
255	SEATAC	Tejon Ranch Company	the SEA Technical Advisory Committee ("SEATAC") process is also fundamentally flawed in that it has been designed to thwart, rather than advance, County policy objectives and economic needs. Specifically, the composition of SEATAC should change to better reflect the constituencies of the areas it administrates. As it stands, SEATAC is comprised overwhelmingly of biologists who, not surprisingly given their professional focus, have for years uniformly advocated for the preservation of all lands brought to their attention, and routinely advocate against authorizing development permits within any SEA without regard to County land use laws and policies (including the existing SEA Ordinance). Asking a panel of biologists to approve development is, simply, a waste of time given the County's need to weigh and balance many competing needs. Thus, SEAT A C should have a greater representation Third, there have been documented conflicts of interests involving SEATAC members. Formal rules to avoid such conflicts have not been developed or implemented, yet the Ordinance proposes to give SEATAC vast new jurisdiction over 1,000 square miles of the County. The SEATAC conflict of interest problem must be remedied before any proposed revisions to the SEATAC Ordinance are	SEATAC does not have the power to approve or deny development. As a Technical Advisory Committee the dedicated volunteers who serve on SEATAC provide our department with helpful expertise and non binding recommendations on local biological resources and best practices for studying the biological resources and impacts for individual SEA CUPs. Their recommendations are used by our staff to assist in the preparations of staff recommendations to the decision making authority for permit approval. The decision making bodies are the Hearing Officers, the Regional Planning Commission and the Board of Supervisors and they are the only bodies with the ability to approve or deny development projects which are non-ministerial in nature. All non ministerial cases require public hearings to be approved. No ministerial projects in SEAs go through SEATAC review. Please see our response (#169) to the Puente Hills Preservation Authority on 22.52.2670.B.5 regarding the scope of the Site Assessment Report and Site Impact Report- these documents are comparable to currently required reports for the SEA CUP.
256	SEATAC	VICA	concerned that the SEA Technical Advisory Council will place an undue burden on businesses,	Thank you for your concerns. We have reported on the SEATAC process to the Board of Supervisors and that report is available here: http://planning.lacounty.gov/sea/seatac
257	Misc	L.Purcell	An issue that the Coastal SEAs and related programs might address, that sea lion pups have been stranding in great numbers this year, starving, the cause as yet unknown.	Unfortunately this is outside the scope and ability of our department as we are not an environmental protection agency and we do not have staff that conducts this kind of work. We are limited to land use review, enforcement and plans and ordinances.
258	Misc	Poppy Reserve/ Mojave Desert Interpretive Association	Concerned about the rapid industrialization of the Western Antelope Valley caused by renewable energy projects. the rapid industrialization of the Western Antelope Valley caused by renewable energy projects. The threat of rapid and irreversible destruction of this biologically rich and diverse area is un-precedented. We have raised many issues concerning these threats in previous letters. We remain concerned about these same issues.	Please see our previous responses (#14) to the Friends of Antelope Valley Open Space on Ordinance, General regarding renewable energy at the top of this spreadsheet.